

## **Monica Daniel Hutchison's Deposition Excerpts**

EXHIBIT

<p style="text-align: right;">41</p> <p>1 not positive, but I believe he used that for</p> <p>2 his tax purposes for business expense.</p> <p>3 Q. Okay. Did your duties change at all during</p> <p>4 the course of your employment with Mike in</p> <p>5 his regular law practice, his private law</p> <p>6 practice?</p> <p>7 A. No.</p> <p>8 Q. Okay. Did you ever accompany him to court?</p> <p>9 A. No, not at his law office.</p> <p>10 Q. Okay. Did you ever assist him in preparing</p> <p>11 exhibits for trial?</p> <p>12 A. At his law office?</p> <p>13 Q. Uh-huh.</p> <p>14 A. He would give me the exhibits, and I would</p> <p>15 put the little Exhibit A, B, or C label</p> <p>16 markers on them for him and make copies as</p> <p>17 he would need for -- to hand out to other</p> <p>18 people.</p> <p>19 Q. Okay. Would you do dictation -- did he dictate</p> <p>20 documents at all?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Okay.</p> <p>23 A. He may have. I know Mr. Bidson did when I</p> <p>24 worked for him. He had a recorder and</p> <p>25 dictated. I don't recall if Mr. Anderson</p>	<p style="text-align: right;">43</p> <p>1 handled, like, paying the bills and the</p> <p>2 money that would come in and go out. She</p> <p>3 took care of all the finance stuff.</p> <p>4 Q. Was there anybody else in the office other</p> <p>5 than you and Dianne and Mike?</p> <p>6 A. No.</p> <p>7 Q. How often was Dianne in the office?</p> <p>8 A. Quite often. Well, probably two, three</p> <p>9 times a week. I mean, she would just -- she</p> <p>10 set her own schedule, of course, and -- when</p> <p>11 we first started, she wasn't there as much,</p> <p>12 but then -- and then she started doing --</p> <p>13 you know, taking care of everything. I'm</p> <p>14 not sure how far into it, but she had her</p> <p>15 own office. She was in and out quite often.</p> <p>16 Q. About how many hours a week would you say</p> <p>17 Dianne was in the office?</p> <p>18 A. Oh, gosh, I don't know.</p> <p>19 Q. Twenty?</p> <p>20 A. Twenty, probably. I'm not positive.</p> <p>21 Q. Could it have been more?</p> <p>22 A. Some weeks, some weeks less.</p> <p>23 Q. Did you have access to Mike Anderson's</p> <p>24 calendar when you were working as his</p> <p>25 administrative assistant in his private law</p>
<p style="text-align: right;">42</p> <p>1 did that, but he may have a few times.</p> <p>2 Q. Did he type his own letters typically?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And then he'd have you review them?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Would that include personal letters?</p> <p>7 A. I don't believe I ever saw any personal</p> <p>8 letters go out from Mr. Anderson.</p> <p>9 Q. Okay. Did you receive any training when you</p> <p>10 were hired?</p> <p>11 A. No. I mean, we didn't have anybody that</p> <p>12 trained us. I --</p> <p>13 Q. Kind of knew what you were doing when you</p> <p>14 came in?</p> <p>15 A. Yeah. We just both kind of worked together</p> <p>16 to --</p> <p>17 Q. Was there anybody else working there?</p> <p>18 A. At the law office?</p> <p>19 Q. Uh-huh.</p> <p>20 A. Myself as a secretary; Dianne, his wife,</p> <p>21 Ms. Anderson, came in and took care of the</p> <p>22 books.</p> <p>23 Q. When you say "took care of the books," what</p> <p>24 do you mean?</p> <p>25 A. She had her own office. I think she</p>	<p style="text-align: right;">44</p> <p>1 practice?</p> <p>2 A. Yes.</p> <p>3 Q. And did you have access to his e-mail?</p> <p>4 A. No.</p> <p>5 Q. Okay. And like I said with some of the</p> <p>6 preliminary matters, in discussing some of</p> <p>7 the allegations in the lawsuit and the</p> <p>8 nature of your employment, I'm going to try</p> <p>9 to ask some of these questions as delicately</p> <p>10 as possible, given some of the subject</p> <p>11 matter, and please bear with me. This is</p> <p>12 not an exercise to try to embarrass anyone</p> <p>13 or be indelicate with the situation, just an</p> <p>14 effort to ask -- you know, ask questions</p> <p>15 that are relevant to the claims. Okay?</p> <p>16 A. Okay.</p> <p>17 Q. In your complaint -- and I would refer you</p> <p>18 to Defendant's Exhibit 3 -- you reference</p> <p>19 that you had worked -- perhaps I'm in the</p> <p>20 wrong spot here. During the time that you</p> <p>21 were working for Mike in his solo law</p> <p>22 practice, did you experience what you</p> <p>23 believe to be harassing conduct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Approximately how often would that</p>

14 (Pages 41 to 44)

## ALPHA REPORTING SERVICE

<p>1 conduct occur in a given week?</p> <p>2 A. It'd depend on the week, but it was ongoing.</p> <p>3 Not -- it -- it was ongoing.</p> <p>4 Q. I'm going to hand you an exhibit that's been</p> <p>5 labeled Defendant's Exhibit 14, direct your</p> <p>6 attention to that for a second. If you need</p> <p>7 a second to review it, that's fine. Just</p> <p>8 tell me when you're ready to go, and away</p> <p>9 we'll go.</p> <p>10 A. Okay. I believe I'm ready. I've reviewed</p> <p>11 this before.</p> <p>12 Q. This is a document that's dated</p> <p>13 February 1st, 2006. It's addressed to the</p> <p>14 EEOC, and looking to the last page, it's</p> <p>15 signed by you. That is your signature,</p> <p>16 right?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. It says that for the past -- you've</p> <p>19 been employed by Mr. Anderson for the last</p> <p>20 five years until recently. You began</p> <p>21 working for him in January 2001, and that it</p> <p>22 was not long after you began working for</p> <p>23 Mr. Anderson in January 2001 that the first</p> <p>24 incident occurred. Okay. Approximately how</p> <p>25 long was it before you encountered some</p>	<p>45</p> <p>1 in that fashion during the time that you</p> <p>2 were there?</p> <p>3 A. Not at that time, I don't believe. I just</p> <p>4 recall every now and then he would, like,</p> <p>5 put his hand on my shoulder when he was</p> <p>6 reviewing things, but no -- no other areas</p> <p>7 that were --</p> <p>8 Q. Okay.</p> <p>9 A. -- really inappropriate.</p> <p>10 Q. Approximately how many times would you say</p> <p>11 that he put his hand on your shoulder while</p> <p>12 you were -- this is while he'd be reviewing</p> <p>13 a document on the computer?</p> <p>14 A. Yeah, or a document that I was -- I was</p> <p>15 reviewing or -- it wasn't -- it wasn't all</p> <p>16 the time.</p> <p>17 Q. Okay. Did you tell him not to touch your</p> <p>18 shoulder when --</p> <p>19 A. No. I would just move away.</p> <p>20 Q. Okay. Would he move his hand at that point?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Do you have any reason to think that</p> <p>23 he was -- that his putting his hand on your</p> <p>24 shoulder was sexual in nature in any way?</p> <p>25 A. It made me feel uncomfortable.</p>
<p>46</p> <p>1 level of sexual harassment in the course of</p> <p>2 your employment by Mr. Anderson in his</p> <p>3 private law practice?</p> <p>4 A. A few weeks. I'm not sure that -- a month.</p> <p>5 I'm not positive.</p> <p>6 Q. Okay. And this is this incident that you</p> <p>7 reflect here about being in the copy room?</p> <p>8 A. Uh-huh, correct.</p> <p>9 Q. And having him touch your backside?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Was it -- again, I don't mean to be</p> <p>12 indelicate about this. Was it a brush? Was</p> <p>13 it a grab? What are we talking about?</p> <p>14 A. It was a brush. There was no grab.</p> <p>15 Q. Okay. And you represent in the letter that</p> <p>16 you felt this made you uncomfortable and you</p> <p>17 told him you didn't like being touched?</p> <p>18 A. Uh-huh.</p> <p>19 Q. What did he say?</p> <p>20 A. He said it was an accident. He didn't even</p> <p>21 realize that he had brushed up against me.</p> <p>22 Q. Did he apologize?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Did you have any other similar</p> <p>25 situations where he brushed up against you</p>	<p>47</p> <p>1 Q. Okay. Did you believe it had any sexual</p> <p>2 connotation to it in the context of which it</p> <p>3 was done?</p> <p>4 A. I believe it could have, yes.</p> <p>5 Q. Okay. What led you to believe that?</p> <p>6 A. Just from other -- like the way he would</p> <p>7 look at me, and he told me that I looked</p> <p>8 nice in my -- or my ass looks good in those</p> <p>9 jeans and just --</p> <p>10 MR. STEELMAN: Judge Dorr is on.</p> <p>11 Get Steve real quick.</p> <p>12 MR. FRANKLIN: We'll go off the</p> <p>13 record.</p> <p>14 (A discussion was held off the</p> <p>15 record.)</p> <p>16 BY MR. FRANKLIN:</p> <p>17 Q. Before we went off the record, you had told</p> <p>18 me that aside from this instance reflected</p> <p>19 in the first paragraph of Defendant's</p> <p>20 Exhibit 14, that Mr. Anderson brushed</p> <p>21 against your backside. That he had also,</p> <p>22 during the course of the time that you</p> <p>23 worked in his private law practice,</p> <p>24 periodically would put his hand on your</p> <p>25 shoulder when he would review a document</p>
	<p>48</p>

15 (Pages 45 to 48)

<p style="text-align: right;">57</p> <p>1 Q. So it could be certainly less than that;  2 right?  3 A. Possibly.  4 Q. Okay. It was certainly something that  5 wasn't on an everyday basis --  6 A. No.  7 Q. -- right?  8 A. Right.  9 Q. And did he make other comments about your  10 attire?  11 A. He would tell me that I would look good and,  12 like, look at me and kind of raise his  13 eyebrows and grin. And I would be, like,  14 "cut it out" or "stop it" and then just go  15 on -- we'd just go on with our daily work.  16 At that time I didn't -- I mean, it was  17 uncomfortable, but I didn't think it was,  18 like, a horrible thing that I was, you know,  19 going through. It was something that I was  20 dealing with, and it was just -- it was  21 comments that he had made. It bothered me,  22 but it wasn't to where I couldn't do my job.  23 Q. Okay. So it's fair to say that the comments  24 that he made, that the issue with the  25 bathroom door and the occasion when he</p>	<p style="text-align: right;">59</p> <p>1 in time?  2 A. At that point, yes.  3 Q. Okay. All right. So let's look at the one,  4 two, three, four, fifth paragraph. It says,  5 "Whenever I was around, he'd be looking at  6 parts of my body he shouldn't have been  7 looking at." What did you mean?  8 A. My breasts.  9 Q. Okay. Would he look at anything else?  10 A. Not -- no, not that I'm aware of, no.  11 Q. Okay. What was your regular workplace  12 attire at the time that you worked for  13 Mr. Anderson?  14 A. I believe that I wore jeans and dress pants  15 whenever I worked there, occasionally a  16 skirt, not too often. It was more of a  17 casual dress there.  18 Q. Okay. Okay. What kind of tops would you  19 wear?  20 A. I would wear button-up tops, just regular  21 blouses that females wear, sweaters. It  22 would vary.  23 Q. Did you ever wear halter tops or --  24 A. No.  25 Q. -- tank tops?</p>
<p style="text-align: right;">58</p> <p>1 brushed up against you and the occasions  2 when he put his hand on your shoulder, those  3 were not instances that were inhibiting your  4 ability to do your work; right?  5 A. Correct.  6 Q. And you didn't feel as if it was necessary  7 to leave your employment?  8 A. Correct.  9 Q. Okay. You didn't fear for your personal  10 safety?  11 A. No.  12 Q. Okay. Were you having any emotional  13 difficulty dealing with your job at that  14 point?  15 A. No. I mean, I would just tell him to stop  16 it, cut it out, quit making those comments.  17 Or I think I'd usually say quit being  18 disgusting, and we'd go on about our day.  19 He'd just kind of laugh it off, and we'd go  20 on, and I'd do my work and --  21 Q. He'd leave you alone?  22 A. Usually for the rest of the day, yes.  23 Q. Okay. So at least in the immediate sense,  24 if you said something to him, he'd cut out  25 whatever behavior was going on at that point</p>	<p style="text-align: right;">60</p> <p>1 A. No.  2 Q. Okay. Upon --  3 A. If I ever wore a summer dress, sometimes  4 they had just the little straps, but not --  5 Q. Okay. In the summer, was it regular  6 practice for you to wear summer dresses --  7 A. No.  8 Q. -- in the summer?  9 A. I'm not a dress person, so no.  10 Q. Okay. Okay. And when he would look at you  11 again, you'd say, "Cut it out," and he'd cut  12 it out, and you'd go on about your business;  13 right?  14 A. Uh-huh.  15 MR. STEELMAN: Objection, leading  16 question.  17 BY MR. FRANKLIN:  18 Q. And -- looking at this paragraph, it says,  19 "It got to where I dreaded being alone with  20 him in a room because of it." When did that  21 occur? When was it that you dreaded being  22 alone in a room with him?  23 A. It was later on after I'd worked for him for  24 quite a while. I just always felt like  25 there was going to be some kind of comment</p>

18 (Pages 57 to 60)

<p style="text-align: right;">61</p> <p>1 made that I would have to say, you know,  2 "Hey, stop it. You're creeping me out.  3 You're being disgusting. Cut it out." It  4 got worse whenever I was at the prosecutor's  5 office rather than at the law office.  6 Q. Well, let's focus on the law office.  7 A. The law office?  8 Q. Because -- at least as I'm reading your  9 letter, at this point in time, you're  10 talking about your experiences when you're  11 working in his private law office. Is that  12 accurate?  13 A. Yes.  14 Q. So during the time that you were working in  15 his private law office, you developed this  16 feeling where you dreaded being alone with  17 him; right?  18 A. Yes. I mean, I was uncomfortable, not to a  19 point where I was scared he was going to  20 hurt me or anything like that while I was at  21 the law office.  22 Q. Okay. Did you ever consider leaving your  23 employment with his private law practice?  24 A. No, 'cause, I mean, I felt like I could  25 handle what was being said or -- you know,</p>	<p style="text-align: right;">63</p> <p>1 you." And I told him, you know, no, or I  2 changed the subject or left the office or  3 left the room.  4 Q. Okay. Was anybody else present when he made  5 that comment?  6 A. No.  7 Q. Okay. Was there ever anybody else present  8 when he would make comments that you found  9 were inappropriate?  10 A. No. It was usually when I was in his office  11 or it was just me and him in the office.  12 Q. Okay. Do you know of anybody who observed  13 conduct that you believe was harassing in  14 nature during the time that you were  15 employed in the private law practice?  16 A. The only one that would have -- like, for  17 example, the bathroom thing would be Dianne,  18 but, no, it was just me and him that worked  19 there.  20 Q. Okay. Did anybody else ever come into the  21 office?  22 A. Well, people that he met with did.  23 Q. So clients?  24 A. Clients, correct, yes.  25 Q. Other lawyers?</p>
<p style="text-align: right;">62</p> <p>1 things that was being said to me because  2 usually, you know, whenever I would say,  3 "Hey, knock it off," he would. I just  4 figured that's something I could deal with,  5 because in Texas County there's not a lot of  6 available positions there, and I enjoyed  7 working in that field.  8 Q. Okay. Looking at the last sentence of that  9 paragraph you said that at one point he  10 said, "Come on, let me flirt with you."  11 A. Where are you at? I apologize.  12 Q. Bottom of the one, two -- fifth paragraph,  13 second to last sentence.  14 A. Okay. Yes.  15 Q. Okay. One time he said, "Come on, let me  16 flirt with you." Okay. Do you remember  17 when?  18 A. I believe that was at the prosecutor's  19 office.  20 Q. Okay. Okay. What was the context in which  21 that comment was made?  22 A. I don't recall specifics. I remember he --  23 he made some comment, and I don't recall the  24 comment, and I told him, "Cut it out, quit,"  25 and he's, like, "Come on, let me flirt with</p>	<p style="text-align: right;">64</p> <p>1 A. Yes. I don't believe there was a lot of  2 other lawyers there very often.  3 Q. Okay. Would they have depositions at the  4 office?  5 A. I don't recall.  6 Q. You don't recall anybody else that was --  7 that would have come into the office that  8 would have observed any of this conduct that  9 you deemed was harassing in nature?  10 A. Not that I can think of at this time, no.  11 Q. And in January 2003 Mr. Anderson -- I guess  12 in November of 2002, Mr. Anderson ran for  13 county prosecutor, is that correct?  14 A. I'm not sure what date he filed on, but,  15 yeah, I know it was for the '03 election  16 day.  17 Q. Okay. And did you have any role in helping  18 him with his campaign?  19 A. No. I did allow him to put a sign in my  20 yard.  21 Q. Did you ever pass out leaflets with him?  22 A. No. I participated in a parade.  23 Q. Did you bring anybody with you to go to the  24 parade?  25 A. I don't recall. I don't recall if I did or</p>

19 (Pages 61 to 64)

<p>65</p> <p>1 not. I know there was other people there 2 that participated. I came by myself, but 3 there could have been other people there. 4 Q. Did you help him prepare campaign letters? 5 A. I don't recall doing that, no. 6 Q. Okay. Do you recall helping him handle 7 campaign-related phone calls that would come 8 into the office? 9 A. No. 10 Q. Do you remember helping him coordinate the 11 passing out of yard signs? 12 A. No. I took the yard sign for myself and for 13 my mother. Those are the two I took. 14 Q. Okay. So you got one for your mom as well? 15 A. Yes. 16 Q. Okay. And when you were at the parade, did 17 you -- did you wear something that had his 18 name on it? 19 A. Yes. 20 Q. Okay. And were you marching in the parade? 21 A. I don't remember if there was a float or if 22 we walked or -- I just know that we -- he 23 had some T-shirts made, I believe, that said 24 vote for Mr. Michael Anderson. I'm not real 25 sure what the T-shirt even said, to be</p>	<p>67</p> <p>1 positive on -- it was down the street and 2 then up towards town. 3 Q. Okay. And what was it that ultimately 4 convinced you to go on a motorcycle ride? 5 A. I thought if I did then he would stop asking 6 me, 'cause I didn't want to ride on the 7 motorcycle. 8 Q. Okay. But you did on this one occasion? 9 A. Yes, I did. 10 Q. Just this one occasion? 11 A. Correct. 12 Q. And you relay an incident when he showed up 13 at your house on his motorcycle. Was that 14 the only time that he showed up at your 15 house on his motorcycle? 16 A. Uh-huh, that I can recall, yes. 17 Q. Okay. Did -- at this point in time, did you 18 have any conversation with him about him 19 showing up at your house unannounced? 20 A. He had brought it up the next week to me and 21 said that he had come to my house. 22 Q. Okay. And what did -- he just said, "I came 23 to your house"? What else was said in that 24 conversation? 25 A. He -- he said that he had come to my house,</p>
<p>66</p> <p>1 honest with you, but there was T-shirts 2 Q. But you participated in that event? 3 A. Correct. 4 Q. Okay. On the bottom of this first page on 5 Defendant's Exhibit 14, you talk about 6 Mr. Anderson trying to get you to go riding 7 on his motorcycle with him. You said he 8 always tried to get you to go riding on his 9 motorcycle. How often would you say that he 10 asked you to do that? 11 A. It was normally, of course, in the 12 summertime. Maybe once or twice a month in 13 the summer whenever he would be riding it. 14 He rode it quite frequently to work and 15 would park it inside the office at times -- 16 Q. Okay. 17 A. -- of an evening so nobody would bother it. 18 Q. Okay. Did you ever go riding on his 19 motorcycle with him? 20 A. There was only one time he talked me in to 21 riding from the office to the sheriff's 22 office, and that was it. 23 Q. How far is the sheriff's office from the 24 private law practice office? 25 A. Probably a half a mile, mile. I'm not real</p>	<p>68</p> <p>1 knocked on my door, but I didn't answer so 2 he guessed I wasn't home. 3 Q. Okay. Did you tell him that it made you 4 uncomfortable that he was visiting your 5 house outside of work? 6 A. No, I didn't at that time, no. 7 Q. Okay. Did you tell him that you thought it 8 was inappropriate for him to try to see you 9 outside of work without his wife? 10 A. Not at that time, no. 11 Q. Okay. Was there any -- was there anything 12 in particular that was keeping you from 13 telling him that? 14 A. I didn't want to make him angry and make -- 15 I didn't want to jeopardize my job, if he 16 was angry if he showed up to my house and -- 17 I just -- I tried to just deal with it, let 18 it go, and move on. 19 Q. And I'm only asking, because in previous 20 instances when there was conduct that you 21 felt made you uncomfortable, you'd say 22 something to him, and you didn't appear to 23 have an issue with telling him when he was 24 doing things that made you uncomfortable, 25 and in this instance it doesn't appear that</p>

20 (Pages 65 to 68)

<p style="text-align: right;">69</p> <p>1 you said anything, so I was just trying to 2 find out -- 3 A. I just pretended like I wasn't home. 4 Q. Okay. And would you discuss with Mike any 5 of the relationships that you were involved 6 in during the course of the time that you 7 were employed in his private law practice? 8 A. No. 9 Q. So the bottom of Defendant's Exhibit 14 and 10 going over to the top of the second page on 11 Defendant's Exhibit 14, it concerns a 12 comment that he made to you about someone 13 you were dating where he says, "What does he 14 have that I don't have?" 15 A. Correct. He had met -- I apologize. 16 Q. Okay. How would he know who you were 17 dating? 18 A. He had met a boy that I was dating when I 19 worked at the law office. 20 Q. Okay. And how did he come to meet him? 21 A. He would come and pick me up or -- I believe 22 that he came up at one point, and I 23 introduced him to Mike. And he was younger, 24 and I believe that was the time that he made 25 that comment.</p>	<p style="text-align: right;">71</p> <p>1 A. Oh, and I picked up Dianne at one point to 2 ride up with me, but I didn't go in the 3 house at that time. 4 Q. When you say ride up with you, what do you 5 mean? 6 A. To a conference. 7 Q. Oh, okay. Do you know what conference that 8 was? 9 A. No. I don't recall which one it was. 10 Q. Was that -- was that only one occasion when 11 you recall him making comments about someone 12 you were dating, particularly, "What does he 13 have that I don't have?" 14 A. No. He would tease me about the age -- I 15 remember him saying something to the effect 16 of, like, "I'd be more motherly to them 17 instead of dating" -- just tease me 'cause I 18 was older. 19 Q. Than the gentlemen you were dating? 20 A. Right, right. 21 Q. Okay. Approximately how many times would he 22 make such comments? 23 A. Not a lot. 24 Q. It was infrequent? 25 A. Yes.</p>
<p style="text-align: right;">70</p> <p>1 Q. Okay. Did you and Mr. Anderson and his wife 2 ever socialize outside of work? 3 A. I don't like I was friends with Dianne. I 4 mean, we talked on the telephone and in the 5 office. I thought a lot of her. I'm trying 6 to think if we ever -- I don't believe we 7 ever went to dinner together. I know we 8 went to lunch together, but all the other 9 secretaries, like when we worked at the 10 prosecutor's office, would also go. I never 11 went, like, to their house and hung out or 12 anything like that. 13 Q. Was there ever -- there was never a point in 14 time when you ever went to Mike Anderson's 15 house? 16 A. Yes. I was at his house for -- I believe it 17 was his election party, I believe, or -- 18 Q. His victory celebration? 19 A. Something like that, yes. I didn't stay 20 very long, though. I was only there for a 21 little bit. I wanted to get back to my mom 22 so -- yeah, I was there and went in and had 23 some hors d'oeuvres that Dianne had made. 24 Yes, I was there at his house that time. 25 Q. You were invited to that party?</p>	<p style="text-align: right;">72</p> <p>1 Q. Okay. Okay. Looking at the second page of 2 this document it says, "Mr. Anderson asked 3 me on several occasions throughout the past 4 years to come out to his house and get in 5 his hot tub with him." Would he -- would -- 6 the second sentence says, "Even on occasions 7 when his wife was out of town." 8 First question I have was, he would make 9 those offers to you when his wife was in 10 town too, right? 11 A. Yes. 12 Q. Okay. So irrespective of whether his wife 13 was around, he'd invite you out to his 14 house, right? 15 A. Yes. 16 Q. Okay. And approximately how many times did 17 he invite you out to his house to use the 18 hot tub? 19 A. Approximately five or six times. 20 Q. Okay. 21 A. I'm not sure. 22 Q. And that's including when you were with the 23 prosecutor's office too? 24 A. Yes. 25 Q. Okay.</p>

21 (Pages 69 to 72)

73	75
<p>1 A. I don't believe he invited me out while I 2 was at the prosecutor's office. This was 3 just in the law office. 4 Q. Okay. And did you ever go? 5 A. To get in the hot -- no. 6 Q. No? 7 A. No. 8 Q. Did you ever tell him you had any interest 9 in going out there? 10 A. No. 11 Q. Okay. Did Dianne ever invite you out? 12 A. I don't believe so, no. 13 Q. Okay. Did you ever invite Dianne and Mike 14 to go with you anywhere? 15 A. I had asked them to go to lunch with me. 16 Q. Okay. Did you invite them to go anywhere 17 else with you? 18 A. I had invited Dianne over for -- I had 19 like, a cookie party. I invited her over 20 for that. That's all I can recall. 21 Q. Okay. Was there ever an occasion, either 22 during the time that you were working in the 23 private law practice or working in the 24 prosecutor's office, when you invited Dianne 25 and Mike to accompany you to a strip club?</p>	<p>1 A. No. 2 Q. Was there ever any other occasion when you 3 invited Mike and Dianne to go to a strip 4 club with you? 5 A. I know that me and some of my friends had 6 went to a club on my birthday, and I believe 7 we invited Dianne to go with us. 8 Q. Do you remember when that was? 9 A. But I don't recall for sure if we did invite 10 her. 11 Q. Do you remember when that was? 12 A. No, I don't. 13 Q. Was that while you were with the 14 prosecutor's office? 15 A. Yes. 16 Q. And was that a club that had men or a club 17 that had women? 18 A. Women. 19 Q. Where was it? Yes, where was it? 20 A. At St. Robert. 21 Q. In St. Robert, Missouri? Do you remember 22 the name of the club? 23 A. No, I don't. 24 Q. And who went with you ultimately? 25 A. I'm trying to remember who all -- I don't</p>
74	76
<p>1 A. This was at a conference. 2 Q. Where was the conference? 3 A. At the lake. 4 Q. Okay. 5 A. And the answer, I guess, would be yes. 6 Q. Okay. So how was it that you came to invite 7 Dianne and Mike to go to a strip club at the 8 lake? 9 A. It was a club that had male dancers at the 10 time, and it was kind of a joke. 11 Q. Okay. 12 A. 'Cause I didn't explain to Mr. Anderson it 13 was male dancers. 14 Q. Okay. Did you think that he might find that 15 an uncomfortable situation? 16 A. I don't know how he would have found that. 17 Q. Well, you didn't tell him and the joke was 18 that -- 19 A. Right. 20 Q. -- presumably that he'd get there and be 21 uncomfortable, right? 22 A. Right, right. 23 Q. Was Dianne in on the joke? 24 A. No. 25 Q. No. So she didn't know either?</p>	<p>1 remember who all went. There was quite a 2 few. There was Terry Haden, Lorette Smith, 3 Millie Williams. I believe 4 Christina Wheeler went. I don't remember 5 who else went. I apologize. 6 Q. Okay. So it's fair to say that you went to 7 this strip club with a number of people who 8 were either employed in the Texas County 9 prosecutor's office or employed by the 10 county as a general proposition? 11 A. They were my friends. 12 Q. But they were employed by either -- in the 13 prosecutor's office or by the county? 14 A. Not all of them, no. 15 Q. Okay. Who was not employed by the county? 16 A. Terry Haden was not and Lorette Smith was 17 not. 18 Q. Okay. And did you -- did you invite these 19 individuals to go with you to this club? 20 A. No. I think we all just decided to go and 21 eat dinner down there, is what the plan was, 22 at one of their restaurants down there to 23 eat dinner. 24 Q. When you say "their restaurants" -- 25 A. At St. Robert, one of the restaurants at</p>

22 (Pages 73 to 76)

<p>105</p> <p>1 Q. And was anybody else present in this interview?</p> <p>2 A. I believe Christina was in there for a little while also.</p> <p>3 Q. Okay.</p> <p>4 A. But I'm not 100 percent sure, but I think she was in there too.</p> <p>5 Q. But you're not positive?</p> <p>6 A. No.</p> <p>7 Q. Okay. And were you involved in the interview when Christina Wheeler was hired?</p> <p>8 A. Yes.</p> <p>9 Q. Similar circumstance, you sat in on that interview?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Do you recall reviewing her resume at all?</p> <p>12 A. I'm sure I did. There was several resumes so, yeah, I'm sure.</p> <p>13 Q. Okay. Did you know Christina Wheeler prior to the time that she interviewed for a position with the Texas County prosecutor's office?</p> <p>14 A. No, I don't believe I knew Christina.</p> <p>15 Q. Okay. Approximately how many resumes do you recall seeing prior to the interview</p>	<p>107</p> <p>1 candidate?</p> <p>2 A. He wasn't interested in interviewing a male for the position.</p> <p>3 Q. Okay. So you interviewed at least one other person?</p> <p>4 A. Maybe two. I don't recall, but I believe there was a couple others.</p> <p>5 Q. And after the interviews were -- had concluded, did you recommend that Mr. Anderson select Christina Wheeler from the applicants that you guys had interviewed?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And why was that?</p> <p>8 A. She seemed to really want the job, and she'd expressed, you know, she was a single mom and needed employment, so I just -- I felt like she would do well.</p> <p>9 Q. Did Mr. Anderson solicit your opinions on the other individuals who had applied in the interview?</p> <p>10 A. Yes. He asked me about each of them, and there was some good points on others also.</p> <p>11 Q. Uh-huh. And you guys would have a fairly comprehensive discussion about the people</p>
<p>106</p> <p>1 sessions?</p> <p>2 A. Probably three or four, five.</p> <p>3 Q. Okay.</p> <p>4 A. I'm not sure.</p> <p>5 Q. Did you interview other individuals as well?</p> <p>6 A. I believe that there was a lady that came in. I don't have no idea what her name was. There was a gentleman that had applied, but Mr. Anderson didn't want to interview him.</p> <p>7 Q. He didn't want to interview him?</p> <p>8 A. Correct.</p> <p>9 Q. Did he say why?</p> <p>10 A. He wasn't comfortable with a male working as a secretary there.</p> <p>11 Q. Okay. Did you tell him that you felt that that was inappropriate?</p> <p>12 A. I felt that -- yes, I told him that I thought he would do a really good job because he was actually -- I believe he had his bachelor's degree in -- his resume, I believe he worked as a schoolteacher or something like that. He may have even been overqualified.</p> <p>13 Q. How did Mr. Anderson respond when you told him that you thought he would make a good</p>	<p>108</p> <p>1 that had interviewed for these jobs?</p> <p>2 A. I believe so.</p> <p>3 Q. Okay. Did you feel that he was attentive to the issues that you raised about the various candidates?</p> <p>4 A. I don't believe I raised any issues.</p> <p>5 Q. Positive or negative?</p> <p>6 A. Yeah. I believe so, yeah.</p> <p>7 Q. Okay. This is going a little bit backwards. When she were talking with respect to Defendant's Exhibit 14 about the incident when Mr. Anderson showed up at your house on his motorcycle, do you know how long he was there?</p> <p>8 A. No, I don't know how long. I know he knocked on the door, and then he went and fidgeted with his motorcycle for a while.</p> <p>9 Q. Okay. Were you aware whether there was any problem with his motorcycle?</p> <p>10 A. When he pulled in, it sounded fine. Whenever he started it, it started, and he left.</p> <p>11 Q. Okay. Was it uncommon -- were you married at this time?</p> <p>12 A. No.</p>

30 (Pages 105 to 108)

ALPHA REPORTING SERVICE

Phone: 417-887-4110

www.alphareportingservice.com

Fax: 417-889-4246

<p style="text-align: right;">117</p> <p>1 sexual harassment?</p> <p>2 A. I don't recall which training it was that he</p> <p>3 had offered me his room key. I don't know</p> <p>4 if it was that one or another one. That's</p> <p>5 the only thing. The rest of it, no.</p> <p>6 Q. Okay. So irrespective of the year, there</p> <p>7 was an occasion when you were down there</p> <p>8 that Mr. Anderson offered you his room key?</p> <p>9 A. And he said it was just in case I needed</p> <p>10 something out of his room. He didn't say,</p> <p>11 "Hey, come have sex with me," or anything</p> <p>12 like that, so --</p> <p>13 Q. Okay. What kind of stuff would he have in</p> <p>14 his room?</p> <p>15 A. I never went to his room.</p> <p>16 Q. Okay. In the context of what he was telling</p> <p>17 you, if he was saying "In case you needed</p> <p>18 something out of his room," what might he</p> <p>19 have had in his room to which you might have</p> <p>20 needed?</p> <p>21 A. I don't know. I told him I don't need it.</p> <p>22 I don't know what he was referring to.</p> <p>23 Q. Okay. Did you tell him that it made you</p> <p>24 uncomfortable that he offered you that key?</p> <p>25 A. No, I didn't.</p>	<p style="text-align: right;">119</p> <p>1 Q. Okay. Was there anybody else that -- anyone</p> <p>2 who you knew that you recall witnessing this</p> <p>3 exchange?</p> <p>4 A. No.</p> <p>5 Q. Okay. Do you recall the second -- as the</p> <p>6 timeline proceeds, it appears that you would</p> <p>7 have gone to three conferences at the</p> <p>8 Lake of the Ozarks, right, 2003, 2004, 2005?</p> <p>9 Do you recall the second trip to the Lake of</p> <p>10 the Ozarks?</p> <p>11 A. No, I really don't.</p> <p>12 Q. Okay. Do you recall who would have attended</p> <p>13 that second trip to the Lake of the Ozarks?</p> <p>14 A. In '04?</p> <p>15 Q. Oh-huh.</p> <p>16 A. It would have been whomever -- I believe it</p> <p>17 was Christie and myself, but -- and</p> <p>18 Mr. Anderson. I'm not sure.</p> <p>19 Q. Do you remember if Mr. Anderson's wife</p> <p>20 attended?</p> <p>21 A. No, I don't recall.</p> <p>22 Q. She may have?</p> <p>23 A. She may have. She was there every now and</p> <p>24 then.</p> <p>25 Q. Okay. And, again, you would have stayed</p>
<p style="text-align: right;">118</p> <p>1 Q. Did it make you uncomfortable?</p> <p>2 A. I just thought it was kind of odd.</p> <p>3 Q. Okay. So it wasn't something that you found</p> <p>4 explicitly harassing in nature; right?</p> <p>5 A. No.</p> <p>6 Q. Okay. Was anybody else with you when he</p> <p>7 offered you that key?</p> <p>8 A. No.</p> <p>9 Q. Do you remember where you were when he</p> <p>10 offered it to you?</p> <p>11 A. Down in the lobby.</p> <p>12 Q. Okay. Was it just kind of in front of the</p> <p>13 front desk?</p> <p>14 A. Yeah, kind of off to the side of the front,</p> <p>15 yeah.</p> <p>16 Q. Was this as he was checking into the hotel?</p> <p>17 A. After he had checked in, correct.</p> <p>18 Q. Okay. And you had checked in</p> <p>19 simultaneously?</p> <p>20 A. I believe he arrived first. I believe he</p> <p>21 arrived first, 'cause we never rode</p> <p>22 together.</p> <p>23 Q. Okay.</p> <p>24 A. And we checked in later. I think he had</p> <p>25 already checked in.</p>	<p style="text-align: right;">120</p> <p>1 two, three, nights?</p> <p>2 A. Correct.</p> <p>3 Q. Do you remember any of the social activities</p> <p>4 that you engaged in while you were on that</p> <p>5 trip?</p> <p>6 A. Mr. Anderson always took us to dinner.</p> <p>7 Q. Do you remember if you attended any strip</p> <p>8 clubs during the course of this particular</p> <p>9 trip?</p> <p>10 A. I believe that me and Christie may have went</p> <p>11 to one -- I'm not positive -- and saw some</p> <p>12 male strippers.</p> <p>13 Q. Okay. Approximately how many occasions</p> <p>14 during the time that you were employed in</p> <p>15 the prosecutor's office did you go to a</p> <p>16 strip club with another member of the</p> <p>17 prosecutor's office staff?</p> <p>18 A. Approximately -- counting that, probably two</p> <p>19 or three times.</p> <p>20 Q. Okay. Total over the course of the three</p> <p>21 years?</p> <p>22 A. I believe so.</p> <p>23 Q. And of those two to three times, at least</p> <p>24 one was to see male strippers, the other</p> <p>25 ones would have been to see female</p>

<p>121</p> <p>1 strippers?</p> <p>2 A. I believe twice was male strippers.</p> <p>3 Q. And once with --</p> <p>4 A. One female, yes.</p> <p>5 Q. Okay. Do you recall having any discussion</p> <p>6 with other members of the prosecutor's</p> <p>7 office staff about what went on at the strip</p> <p>8 club with female strippers?</p> <p>9 A. No. I don't recall, I mean, specifically</p> <p>10 discussing anything.</p> <p>11 Q. Okay. Do you recall having any</p> <p>12 conversations with members of the</p> <p>13 prosecutor's office staff about occasions</p> <p>14 when you would go to strip clubs without</p> <p>15 other members of the staff and then tell</p> <p>16 them about what occurred at a strip club?</p> <p>17 A. Well, we talked -- I mean, we were all</p> <p>18 friends, and we probably -- all of us --</p> <p>19 even myself -- talked about things that</p> <p>20 wasn't appropriate in the office. Myself,</p> <p>21 Mr. Anderson, the other girls, we all talked</p> <p>22 about things we probably should have kept</p> <p>23 outside of work.</p> <p>24 Q. And that's not really answering the</p> <p>25 question.</p>	<p>123</p> <p>1 Q. To what degree of detail would you discuss</p> <p>2 your sexual encounters with your co-workers?</p> <p>3 A. For example, if they would say, "Hey, did</p> <p>4 you get some this weekend?" I'd say yes or</p> <p>5 no.</p> <p>6 Q. Okay.</p> <p>7 A. "Was it good?" Yes or no.</p> <p>8 Q. Okay. Would you ever identify particular</p> <p>9 sexual partners that you had?</p> <p>10 A. No.</p> <p>11 Q. Okay. Would any of the members of the</p> <p>12 office staff inquire who it was that your</p> <p>13 sexual encounter was with if you came in and</p> <p>14 commented that you had had a sexual</p> <p>15 encounter outside the workplace?</p> <p>16 A. No. I don't believe we really got into</p> <p>17 that. I mean, it was -- it was brief and</p> <p>18 jokingly and probably inappropriate of all</p> <p>19 of us, but we did, you know, talk about</p> <p>20 that.</p> <p>21 Q. Okay. Was there ever a time when any member</p> <p>22 of the office staff was involved in a sexual</p> <p>23 encounter with you?</p> <p>24 MR. STEELMAN: Did you say was</p> <p>25 there ever a time or --</p>
<p>122</p> <p>1 MR. FRANKLIN: Could you read back</p> <p>2 what my question was?</p> <p>3 (The requested portion of the</p> <p>4 testimony was read back.)</p> <p>5 A. No, I don't recall doing that.</p> <p>6 BY MR. FRANKLIN:</p> <p>7 Q. Okay. Is it fair to say that you would</p> <p>8 discuss your sex life with other members of</p> <p>9 the prosecutor's office staff?</p> <p>10 A. It's fair to say that we all discussed --</p> <p>11 like if -- on weekends -- if we had sex,</p> <p>12 someone would say, "Did you get any this</p> <p>13 weekend," you know, comments that probably</p> <p>14 shouldn't have been said by myself or</p> <p>15 anybody else, but we all participated in it,</p> <p>16 yes.</p> <p>17 Q. Okay. Is it fair to say that you were an</p> <p>18 active and willing participant in these</p> <p>19 conversations?</p> <p>20 A. Yes.</p> <p>21 Q. And it's fair to say that you would discuss</p> <p>22 the sexual encounters that you had outside</p> <p>23 of the workplace with the people that you</p> <p>24 worked with?</p> <p>25 A. Not in detail and not all the time, no.</p>	<p>124</p> <p>1 BY MR. FRANKLIN:</p> <p>2 Q. Was there a time -- during the period of</p> <p>3 time that you worked in the prosecutor's</p> <p>4 office, was there -- were you involved in a</p> <p>5 sexual encounter with any of the other</p> <p>6 members of the office?</p> <p>7 MR. STEELMAN: And so that I</p> <p>8 understand, your question is limited to her</p> <p>9 period of public employment, to use</p> <p>10 Judge Don's words, is that right?</p> <p>11 MR. FRANKLIN: Yes.</p> <p>12 MR. STEELMAN: Okay.</p> <p>13 A. No.</p> <p>14 BY MR. FRANKLIN:</p> <p>15 Q. Did you, during the time that you were</p> <p>16 employed in the prosecutor's office, discuss</p> <p>17 past sexual encounters that you had with</p> <p>18 members of the staff in the prosecutor's</p> <p>19 office?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 A. -- not that I remember doing so, no.</p> <p>23 MR. STEELMAN: By the way, let me</p> <p>24 interpose an objection. It's pretty clever</p> <p>25 the way you worded it, but that clearly was</p>

34 (Pages 121 to 124)

<p style="text-align: right;">129</p> <p>1 very well. And I didn't want to be the only  2 girl at this group of attorneys talking.  3 Q. Sure. Did you ever discuss your sex life  4 with Jimmy Willis with the other members of  5 the prosecutor's office staff?  6 A. Probably in, like, the course I had stated  7 earlier. I'm sure I did.  8 Q. So you would tell them when you guys would  9 have sex?  10 A. If they would say --  11 Q. If they would ask, you would tell them?  12 A. Well, yeah, yeah, and vice versa. They  13 would tell me. Yes.  14 Q. Okay. Did you ever ask any of the members  15 of the staff to have a sexual encounter with  16 you and Mr. Willis?  17 A. No.  18 Q. Did you ever ask --  19 MR. STEELMAN: When you're saying  20 "ever," again, I'm going to take advantage  21 of what I heard Judge Don't say.  22 MR. FRANKLIN: That's fine. Let me  23 clarify my question. I don't mean to exceed  24 the scope of my leash.  25 BY MR. FRANKLIN:</p>	<p style="text-align: right;">131</p> <p>1 comments to each other and --  2 Q. Did you ever comment on the physical  3 features -- did you ever, during the time  4 that you were employed in the county  5 prosecutor's office, comment on the physical  6 features of any of your co-workers in the  7 office?  8 A. Well, Stephanie Creek would always say, "Oh,  9 I'm so fat, you know, nobody looks at me."  10 And I said, "No, you're not. You're  11 beautiful. You're sexy." I would say  12 things like that.  13 Q. Did you ever comment on the breasts of any  14 of the other members of the staff during the  15 time that you were employed at the county  16 prosecutor's office?  17 A. Not that I recall.  18 Q. Okay. Was there ever an occasion that you  19 exposed your breasts to anybody that was  20 employed in the staff of the prosecutor's  21 office during the time that you were  22 similarly employed?  23 A. At my home.  24 Q. Okay. And when was this?  25 A. At a cookie party.</p>
<p style="text-align: right;">130</p> <p>1 Q. During the period of time that you were  2 employed in the prosecutor's office, did you  3 ask any of your co-workers to join you --  4 and this would be inclusive of Mr. Willis  5 and any other sexual partner of yours -- in  6 some type of a sexual encounter?  7 A. No.  8 Q. Okay. Did you ever physically touch any of  9 the members of the prosecutor's office staff  10 on or about their sex organs?  11 MR. STEELMAN: During the time she  12 was --  13 BY MR. FRANKLIN:  14 Q. During the time you were employed at the  15 prosecutor's office.  16 A. Not that I recall. We were always goofing  17 around and -- I mean, it was -- it was one  18 of those work environments where I was a  19 part of it. We would joke around all the  20 time, and we probably took it overboard, but  21 I don't recall ever --  22 Q. What kind of joking around are you talking  23 about?  24 A. Like talking about, "Hey, did you get some?"  25 "Yeah, I did," and -- oh, gosh, just making</p>	<p style="text-align: right;">132</p> <p>1 Q. Okay. Was this the cookie party that you  2 invited Dianne Anderson to?  3 A. I don't believe it was that one.  4 Q. Okay.  5 A. At the cookie parties, though, like, even my  6 mother and kids would come -- and it would  7 be after everybody left. We would all go  8 out and drink, have fun, and they'd usually  9 all spend the night with me. And whoever  10 fell asleep first, you know, we'd put makeup  11 all over them, and we just goofed off, us  12 girls did. And one occasion, I believe we  13 were talking about whose breasts was the  14 biggest -- and I wasn't the only one that  15 exposed. It was in a joking manner. It  16 wasn't, you know -- I don't think it was  17 meant -- I mean, it wasn't meant to hurt  18 anyone and no one -- everybody was laughing  19 and joking.  20 Q. Okay. And which members of the prosecutor's  21 office staff were present for this  22 post-cookie party --  23 A. I believe Christie and Stephanie were both  24 there, but I'm not positive on that.  25 Q. Okay. Was there any sexual interaction</p>

<p style="text-align: right;">137</p> <p>1 Q. Okay. Did you guys have -- what'd you guys 2 do after you got out of the pool? 3 A. I don't swim well, so I was actually hanging 4 on the side. We decided to go back to the 5 rooms and change and meet down to the social 6 bar that they had there at the motel. 7 Q. Okay. The hotel lounge, for lack of a 8 better term? 9 A. Yes. 10 Q. Okay. This was, again, kind of a group 11 decision. This wasn't Mike saying, "We're 12 going to meet down there"? 13 A. No, it was everybody. 14 Q. Okay. So did you feel comfortable having 15 drinks with Mike? 16 A. Yeah. 17 Q. Okay. Had you had drinks with him before? 18 A. At other conferences, yes. 19 Q. Okay. 20 A. Yes. 21 Q. Aside from other conferences, you never had 22 drinks with him, right? 23 A. I think we had a -- celebratory champagne, 24 'cause I had never tasted champagne before, 25 whenever he got into office.</p>	<p style="text-align: right;">139</p> <p>1 alluding to this. What I'm getting at is, 2 you weren't offended by him asking you to 3 get a drink to celebrate a court victory or 4 a good day at the office? 5 A. No, I wasn't offended. I just didn't go. 6 Q. You didn't find that to be harassing? 7 A. No. 8 Q. Okay. All right. So when you went down to 9 the bar, how many people were down there? 10 A. Well, there was some other conference there, 11 too, like a Farm Ag or some kind of 12 conference, so there was probably, I want to 13 say, between 15 and 30 or -- I'm not 14 positive. There was quite a bit -- large 15 group of people. 16 Q. All right. And was it dark or was it light? 17 Could you see well? 18 A. Yeah, it was, like, off the lobby, so it was 19 pretty lit. 20 Q. Okay. You guys got drinks when you went in 21 there though, right? 22 A. Yes. 23 Q. Did Mike get a drink? 24 A. Yes. 25 Q. Had he been drinking at dinner?</p>
<p style="text-align: right;">138</p> <p>1 Q. Okay. 2 A. Not that I recall other than that. 3 Q. Did he ever ask you to go to drinks with 4 him? 5 A. Yeah. He would ask me to -- "Hey, let's go 6 have a drink and celebrate," like if he had 7 a good day in court or something. 8 Q. Did you ever go with him? 9 A. No. 10 Q. Okay. And why not? 11 A. I just wasn't comfortable going. 12 Q. Okay. 13 A. I mean, I don't -- I don't want everybody to 14 think that, you know, Mike really sexually 15 harassed me all the way through, made it 16 horrible on me, 'cause it wasn't like that. 17 It was something that I was handling, and he 18 wasn't saying, "Hey, let's go have sex every 19 day or anything." It wasn't like that. It 20 didn't get bad till later on. I just wanted 21 to -- 'cause we were all -- even at the 22 prosecutor's office -- we were all probably 23 saying and doing things that was 24 inappropriate in the office. 25 Q. Well, and what I'm -- and you're kind of</p>	<p style="text-align: right;">140</p> <p>1 A. Yes. 2 Q. How much -- were you paying attention to how 3 much he was drinking? 4 A. I don't recall what he had at dinner. 5 Q. All right. So who paid for the drinks? Do 6 you remember? 7 A. Usually Mr. Anderson did. 8 Q. Okay. 9 A. He was -- 10 Q. He was generous that way? 11 A. He was generous, yes. 12 Q. Okay. So you got a drink, and, as I 13 understand it, Christina and Stephanie were 14 with you as well, right? 15 A. Correct. 16 Q. And you each got drinks? 17 A. Well, wait, now. When we first got there, 18 Mike -- it took him a while to get there. 19 It took him longer, I guess, to get ready, 20 so we had actually ordered a drink before he 21 got there. 22 Q. Okay. So when he got there, did he buy you 23 another drink? 24 A. I think he may have opened a tab, I believe. 25 Q. Okay.</p>

38 (Pages 137 to 140)

<p style="text-align: right;">145</p> <p>1 going to go play poker." I don't remember  2 where he said he was going to go to or go  3 back to the room. And as we walked out, I  4 told him I felt he was rude to that guy, and  5 he made the comment, "Well, how did he not  6 know I wasn't with you or one of these other  7 girls?" And I said, well -- I got mad, and  8 I said, "You're not my boyfriend. You're  9 not my father," you know. It was  10 embarrassing. And he went -- he threw his  11 drink up against the wall and went off and  12 mumbled something, but I didn't hear him,  13 and then me and the girls went back to our  14 rooms, but we didn't leave after that. We  15 just stayed in the room.  16 Q. Okay. So no one else went out -- you didn't  17 go out for the rest of the night? You  18 stayed in the room.  19 A. No. We stayed in the room.  20 Q. Was this the last night of the conference?  21 A. We left that next morning.  22 Q. Okay. Had you gone out other nights while  23 you were at this --  24 A. I believe the conference lasted that day,  25 but I left that next morning.</p>	<p style="text-align: right;">147</p> <p>1 Q. Okay. So did anybody -- did any of the  2 other employees express some kind of concern  3 that they thought Mike was being overly  4 paternalistic towards them?  5 A. No, they didn't say anything. They were  6 just questioning me about me and Mike's  7 relationship.  8 Q. Well, were they present when you made this  9 comment to him about him not being your  10 boyfriend?  11 A. Yes. We were all walking out together.  12 Yes.  13 Q. So it's your impression that his shaking  14 this gentleman's hand, and not your comment  15 about Mike not being your boyfriend, was  16 what triggered their subsequent comments to  17 you?  18 A. And him throwing the -- I don't know what  19 made them ask me those questions.  20 Q. Okay. So you -- that's what I'm getting at:  21 You don't know?  22 A. Yeah.  23 Q. And he didn't throw the drink until after  24 you made this comment to him that you're not  25 my dad and you're not my boyfriend?</p>
<p style="text-align: right;">146</p> <p>1 Q. So there were no other evenings where you  2 guys were socializing?  3 A. No.  4 Q. This was the only night of socializing  5 during this conference?  6 A. (Witness nods head.)  7 Q. Okay. And when you said that "you're not my  8 boyfriend, you're not my father," was it  9 because you felt he was taking kind of some  10 type of a paternalistic stance to people  11 coming up to you or --  12 A. Well, I felt like it was just -- it was very  13 odd that he did that to this guy, and then  14 whenever I got back to the room, the girls  15 were asking me questions about whether I'd  16 ever been intimate with Mike and is that why  17 he was acting like that, so --  18 Q. But this gentleman introduced himself to the  19 other girls at the table and didn't even  20 introduce himself to you, did he?  21 A. He had met me prior to, yes.  22 Q. Right, right.  23 A. Yes. But, no, I mean, he came up and  24 introduced himself to the other ones then at  25 that time 'cause I'd already met him.</p>	<p style="text-align: right;">148</p> <p>1 A. Correct.  2 Q. Okay. And Stephanie and Christina both  3 witnessed him throwing the drink?  4 A. Correct.  5 Q. Okay. Looking at the bottom of the second  6 page here, it discusses an incident that  7 occurred the evening of November 25th.  8 Whose house was this?  9 A. Randy Jones.  10 Q. Randy Jones. And he invited both you and  11 Mike to this event?  12 A. He had invited several people, yes.  13 Q. Okay. Was there anybody else from the  14 office that -- at that event?  15 A. I believe Christie was there.  16 Q. Okay.  17 A. I don't recall if Stephanie was there or  18 not. I don't believe she was.  19 Q. Okay. What does Randy do?  20 A. Randy works at the sheriff's department --  21 or did -- as a dispatcher at that time.  22 Q. Okay.  23 A. I'm not sure now.  24 Q. Did you ever have any type of a romantic  25 relationship with Randy Jones?</p>

40 (Pages 145 to 148)

<p style="text-align: right;">149</p> <p>1 A. No.</p> <p>2 MR. STEELMAN: Wait, wait. There</p> <p>3 you go again.</p> <p>4 BY MR. FRANKLIN:</p> <p>5 Q. During the time that you were employed in</p> <p>6 the prosecutor's office?</p> <p>7 A. No.</p> <p>8 Q. You note in here that you're trying to avoid</p> <p>9 Mike Anderson. Why were you trying to avoid</p> <p>10 Mike Anderson during this Thanksgiving</p> <p>11 party?</p> <p>12 A. It had just got to a point, after the lake,</p> <p>13 to where -- I mean, we had had a</p> <p>14 conversation after the lake in the office to</p> <p>15 where we had discussed -- you know, I told</p> <p>16 him that the girls had asked -- you know,</p> <p>17 told me that they felt like something was</p> <p>18 going on between him and myself, and I felt</p> <p>19 like we needed to just -- and keep it work</p> <p>20 related, and he had agreed, and so I just --</p> <p>21 I just -- I just wanted to distance myself</p> <p>22 so there wouldn't -- I mean, so there</p> <p>23 wouldn't be any comments or anything said.</p> <p>24 Q. When you say he agreed to keep it work</p> <p>25 related, what was he doing?</p>	<p style="text-align: right;">151</p> <p>1 relationship, wouldn't they -- weren't they?</p> <p>2 A. Yeah, except after that event occurred, I</p> <p>3 was just -- I was more guarded and didn't</p> <p>4 want to be in a social situation to where</p> <p>5 anything would occur like that that would</p> <p>6 make me feel uncomfortable. I was just</p> <p>7 trying to distance myself from him because</p> <p>8 he made me feel uncomfortable.</p> <p>9 Q. And to be clear, it was the way he shook</p> <p>10 this gentleman's hand that made you</p> <p>11 uncomfortable and want to alter the nature</p> <p>12 of this longstanding working relationship?</p> <p>13 A. And the throwing the drink and then all the</p> <p>14 other just -- in the past -- little things</p> <p>15 he said. I just wanted it -- I didn't want</p> <p>16 us to be -- or myself to be in a position to</p> <p>17 where I would be alone with him at a party</p> <p>18 where there's alcohol and --</p> <p>19 Q. There was a number of other people at this</p> <p>20 party; right?</p> <p>21 A. Correct. And I wasn't rude to him. If he</p> <p>22 was inside, I was usually outside or vice</p> <p>23 versa. I mean -- and sometimes we were both</p> <p>24 in the house together. It wasn't to where I</p> <p>25 had left the party because he was there.</p>
<p style="text-align: right;">150</p> <p>1 A. Like there would be no joking around like,</p> <p>2 you know, he used to say things.</p> <p>3 Q. What kind of things would he say?</p> <p>4 A. Like, for example, "You look nice in your</p> <p>5 jeans today," or "that looks really good on</p> <p>6 you." Just the informal friendship thing</p> <p>7 that -- you know, I felt we were friends at</p> <p>8 the time -- just -- we were keeping it</p> <p>9 totally -- we only talked about work.</p> <p>10 Q. Okay. Other -- okay. What nonwork issues</p> <p>11 had you been talking about previously?</p> <p>12 A. Oh, like -- well, Dianne, and, you know, we</p> <p>13 would talk about his son and his grandkids.</p> <p>14 I mean, he was very proud of them. Just in</p> <p>15 general: "What'd you do last night? Well,</p> <p>16 what'd you do last night," things like that.</p> <p>17 Q. Would you share details of your sexual</p> <p>18 encounters with Mike?</p> <p>19 A. No.</p> <p>20 Q. Okay. And he wouldn't share details of his</p> <p>21 relationship with Dianne with you, would he?</p> <p>22 A. No.</p> <p>23 Q. So is it fair to say that the</p> <p>24 non-work-related discussions that you would</p> <p>25 have were appropriate to your working</p>	<p style="text-align: right;">152</p> <p>1 Q. Did you tell him that you didn't</p> <p>2 feel uncomf- -- that you felt uncomfortable</p> <p>3 being alone in a room with him?</p> <p>4 A. Not at this time, no.</p> <p>5 Q. Okay. Did you -- you note in here that when</p> <p>6 he was in the kitchen playing cards, he</p> <p>7 invited you to come in and play, or some</p> <p>8 other individuals told you, "Mike wants you</p> <p>9 to come in and play cards." Was that</p> <p>10 offensive to you?</p> <p>11 A. No, not really.</p> <p>12 Q. Did you feel that you were being harassed in</p> <p>13 that you were being asked to play cards?</p> <p>14 A. No.</p> <p>15 Q. Did you feel that this was an act of sexual</p> <p>16 harassment?</p> <p>17 A. No.</p> <p>18 Q. Okay. Did you feel that the incident at the</p> <p>19 lake was sexually harassing in nature?</p> <p>20 A. No, not sexually harassing.</p> <p>21 Q. Okay.</p> <p>22 A. Inappropriate, but not sexually harassing.</p> <p>23 Q. Okay. And then you said that after this</p> <p>24 party was over you went home, and he called</p> <p>25 asking you about a file, and you felt it was</p>

41 (Pages 149 to 152)

ALPHA REPORTING SERVICE

<p style="text-align: right;">153</p> <p>1 inappropriate for him to --</p> <p>2 A. Call me in the middle of the night.</p> <p>3 Q. How late -- what time was it that he called?</p> <p>4 A. I don't know, probably two or three in the</p> <p>5 morning.</p> <p>6 Q. Oh, okay. Okay.</p> <p>7 A. One in the morning. I'm not sure. It was</p> <p>8 really late.</p> <p>9 Q. Okay. So it wasn't so much the content of</p> <p>10 the call. It wouldn't have been unusual for</p> <p>11 him to say, "I can't find a file," but it</p> <p>12 was the fact that he was saying, "I can't</p> <p>13 find a file" --</p> <p>14 A. It was on a weekend, and, actually, he had</p> <p>15 already asked me prior about the file, so I</p> <p>16 had --</p> <p>17 Q. Is it fair to say that he may forget from</p> <p>18 time to time when you tell him where a file</p> <p>19 was?</p> <p>20 A. Yes. It'd be fair to say that, yeah.</p> <p>21 Q. I can say I have that problem myself. Okay.</p> <p>22 Let's -- it's fair to say it was the time</p> <p>23 and not the content of the call; right?</p> <p>24 A. Oh, correct. Yes, yes.</p> <p>25 Q. Okay. So approximately five days later on</p>	<p style="text-align: right;">155</p> <p>1 tell me anything. I had never been fired</p> <p>2 before, so I was, like, lightheaded and sick --</p> <p>3 and nauseous, so -- so it was upsetting to</p> <p>4 me. So he said, "Well, why don't you go</p> <p>5 home, think about it, and let me know the</p> <p>6 next day" whether I wanted to be fired or</p> <p>7 resign. I left, and I did come back that</p> <p>8 evening and get all my stuff, gather it</p> <p>9 together and take it home, because I had</p> <p>10 decided that -- and I went back the next</p> <p>11 morning and told him he was going to have to</p> <p>12 fire me because I didn't feel like I had</p> <p>13 done anything wrong.</p> <p>14 Q. Okay. Do you remember him saying anything</p> <p>15 else to you other than what you've --</p> <p>16 A. Huh uh.</p> <p>17 Q. Okay.</p> <p>18 A. No, 'cause I kept asking him to let me --</p> <p>19 you know, "Who's telling you that I'm saying</p> <p>20 this, 'cause everything I've ever said, I've</p> <p>21 said to you."</p> <p>22 Q. Did -- let me just ask you: Were you</p> <p>23 preparing evidence to file a sexual</p> <p>24 harassment suit against Mike Anderson at</p> <p>25 this point in time?</p>
<p style="text-align: right;">154</p> <p>1 December 1st, you are called in to</p> <p>2 Mr. Anderson's office to talk to him, right?</p> <p>3 A. Yes.</p> <p>4 Q. All right. And how does this conversation</p> <p>5 start?</p> <p>6 A. He told me that he had come to find out</p> <p>7 information that I was trying to gather</p> <p>8 information against him for a sexual</p> <p>9 harassment suit and that he heard I'd been</p> <p>10 saying bad things about him in public, so he</p> <p>11 was going to have to either fire me or -- he</p> <p>12 gave me the option of resigning, because he</p> <p>13 said if I resigned, he would give me a</p> <p>14 letter of recommendation, and if I was</p> <p>15 fired, then I might have the opportunity to</p> <p>16 draw unemployment. And he asked me what I</p> <p>17 wanted to do and -- I mean, I was upset, of</p> <p>18 course.</p> <p>19 Q. How did you respond to him when he said</p> <p>20 that?</p> <p>21 A. I asked him what people had been telling</p> <p>22 him, you know, and who had said it, and he</p> <p>23 wouldn't tell me. I asked if, you know, he</p> <p>24 would bring this person in here, and we</p> <p>25 could all talk about this, and he refused to</p>	<p style="text-align: right;">156</p> <p>1 A. No, I was not.</p> <p>2 Q. At this point in time, did you believe that</p> <p>3 you had -- that incidents had occurred that</p> <p>4 were sufficient to constitute sexual</p> <p>5 harassment?</p> <p>6 A. At that time, I mean, there was some</p> <p>7 inappropriate actions going on, but as far</p> <p>8 as filing a lawsuit, no, I don't believe so.</p> <p>9 Q. You didn't think there was any justification</p> <p>10 for a lawsuit at that point?</p> <p>11 A. Right, right.</p> <p>12 Q. Okay. And --</p> <p>13 MR. FRANKLIN: Can we take a break</p> <p>14 for a second?</p> <p>15 MR. STEELMAN: Sure.</p> <p>16 (A short break was taken.)</p> <p>17 BY MR. FRANKLIN:</p> <p>18 Q. Turning back to Defendant's Exhibit 14,</p> <p>19 looking at the third paragraph on page 3, it</p> <p>20 references a gentleman by the name of</p> <p>21 Corporal Jeff Kinder who called you on</p> <p>22 December 8th, 2005, to see if you were</p> <p>23 interested in coming back to work for</p> <p>24 Mr. Anderson. Do you recall that</p> <p>25 conversation?</p>

42 (Pages 153 to 156)

161

1 prosecutor's office?

2 A. No.

3 Q. Okay. Was Corporal Kinder's wife ever aware

4 of your relationship with him?

5 A. Not that I'm aware of, no.

6 Q. Okay. So did you subsequently have -- after

7 this December 8th call from Corporal Kinder,

8 did you subsequently have a meeting with

9 Mike Anderson to discuss your return to the

10 prosecutor's office?

11 A. Yes.

12 Q. When did that meeting occur?

13 A. I don't remember. I don't even know what

14 day the first was on, like, through the

15 week.

16 Q. Okay.

17 A. I don't recall what day it was that we

18 spoke.

19 Q. Was it a long duration or a short duration

20 between the call with -- between you and

21 Corporal Kinder?

22 A. Probably a couple days, I would say, but I'm

23 not real positive.

24 Q. Okay. And where did this conversation occur

25 with Mr. Anderson?

162

1 A. I believe it was at the prosecutor's office

2 or over the telephone. I'm not sure.

3 Q. Okay. And what did Mr. Anderson say to you?

4 A. That he would like for me to come back to

5 work. I asked him, once again, who had told

6 him that I was saying bad things about him

7 or building a case against him, and he, once

8 again, said it's -- well, he said, "That's

9 not important. Would you come back to work

10 for me?" We talked about it -- staying -- I

11 brought it up -- completely -- until I could

12 find something else, I would come back, and

13 I'd just do my job, and that's it. No type

14 of friendship or talking anything other than

15 work.

16 Q. But you had already said that before?

17 A. Correct.

18 Q. So that was the operation -- so that was the

19 environment that you were working in prior

20 to the point in time where he offered you

21 the opportunity to either be fired or

22 resign, right?

23 A. Yes.

24 Q. So you understood that coming back, you were

25 coming back to the same set of circumstances

163

1 that you were in at the time that you left,

2 which was that you had a very professional

3 working relationship, right?

4 A. Yes. Yeah, after we had had the discussion,

5 yes.

6 Q. Right. And so how did things go when you

7 came -- do you remember what your first day

8 back at work was?

9 A. I put on here the 12th.

10 Q. Okay.

11 A. I don't know if that was on a Monday or -- I

12 believe it was on a Monday, but I'm not

13 positive.

14 Q. All right. And so how did things go when

15 you went back?

16 A. That week -- it wasn't bad that week, and

17 that led up to the weekend, the night that

18 he showed up at my house -- but that week

19 everything was fine.

20 Q. Okay. And I think when you're referring to

21 that weekend, you're referring to

22 December 18th of 2005?

23 A. Correct. That was like a week later when I

24 went back.

25 Q. Okay. And in this Defendant's Exhibit 14,

164

1 it's referred to as Saturday, December 18th.

2 Might that have been an early Sunday

3 morning?

4 A. Correct, correct.

5 Q. Okay. And Mildred Williams was staying the

6 night with you that night?

7 A. Yes.

8 Q. Why was Millie Williams staying the night

9 with you that night?

10 A. She stayed the night with me a lot. She was

11 one of my best friends, so she stayed over

12 at my house a lot.

13 Q. Okay. During the time that you were

14 employed by the Texas County prosecutor's

15 office, did you ever have a sexual encounter

16 with Millie Williams?

17 A. No.

18 Q. Okay. So she was staying the night with

19 you. Did you guys go out that night?

20 A. Yes.

21 Q. Okay. Were you drinking?

22 A. A little, yes.

23 Q. Okay. When you say "a little," what do you

24 mean?

25 A. We had went down to a local bar, and I

<p style="text-align: right;">165</p> <p>1 believe I had a couple drinks, and Millie 2 had a couple drinks, and there was nobody 3 there, and it was real quiet, so we decided 4 to go back to the house. Went back to the 5 house for a little bit, and it's like, well, 6 you know, it was kind of early when we went 7 down there so we said let's go back and see 8 if anybody's there, anything's going on, 9 'cause I was just a couple blocks away, real 10 close. So we drove back down there, and I 11 believe -- I didn't even have a drink at 12 that time. Millie had, like, a half a 13 drink. She had just ordered it and didn't 14 even finish it. We decided to leave, and we 15 went to Texaco -- I believe it was Texaco at 16 that time. I'm not sure what it's called 17 now -- and bought some sandwiches and food 18 and went back to my house and watched videos 19 and movies and ate. 20 Q. Okay. Did you drink any alcoholic beverages 21 when you returned back to your house? 22 A. No. 23 Q. Okay. And when you say you were watching 24 videos and movies, none of the videos and 25 movies were pornographic in nature, were</p>	<p style="text-align: right;">167</p> <p>1 Q. Why did you turn off all the lights? 2 A. Cause he said he was coming over, and "Are 3 you going to let me in? I want to talk to 4 you." He sounded really intoxicated. It 5 was one o'clock in the morning. I didn't 6 feel like it was appropriate for him to be 7 coming over at one o'clock in the morning, 8 so we -- I thought if we turned off all the 9 lights, he would just think we're in bed and 10 would go away. 11 Q. Okay. Was -- who drove that night? 12 A. I did. 13 Q. You did? 14 A. Uh-huh. 15 Q. Okay. And you felt, throughout the period 16 of time that you were driving from the bar 17 to and from your house, that you were in a 18 good enough condition to operate a motor 19 vehicle? 20 A. Correct. 21 Q. Okay. So when he arrived at your house, 22 approximately what time was it? 23 A. It was right after the phone call, probably 24 between 1:20 and 1:30. I mean, it was just 25 right after.</p>
<p style="text-align: right;">166</p> <p>1 they? 2 A. No. 3 Q. And approximately -- you say in this 4 statement that at approximately 1:20 a.m. 5 Mr. Anderson called initially? 6 A. Yes. I'm pretty sure it was 1:20. 7 Q. Were you asleep at the time, or were you 8 still awake? 9 A. No, we were still up. 10 Q. Okay. 11 A. We were still up -- I think we were done 12 eating, but we were still snacking on chips 13 and stuff and watching TV. 14 Q. Approximately what time was it that you came 15 from the bar back to your house? 16 A. Probably, I want to say, between 11:30 and 17 12, something like that. 18 Q. So it's between an hour and a half and two 19 hours after you came back from the bar? 20 A. Yeah, probably. 21 Q. Okay. So as this statement reads, he shows 22 up at your house -- or he calls, he sounds 23 very intoxicated, so you turned off all the 24 lights. 25 A. Yes.</p>	<p style="text-align: right;">168</p> <p>1 Q. Okay. So he was obviously in a close 2 proximity when he made the call? 3 A. Right. 4 Q. Okay. And what happened next? 5 A. Saw lights pull in the drive and heard the 6 door open, door shut. I had peeked out the 7 front -- I had a big front bay window with 8 the curtains drawn, and I saw there was a 9 vehicle and Mr. Anderson. And he came up 10 and knocked on the door several times, and 11 then I believe he went back to his car, and 12 I believe he made another phone call at that 13 time and then came back and -- yeah, he made 14 another phone call and said something to the 15 effect of "Send the boy out. I want to talk 16 to you." then got out of his car again, came 17 back up to the door, knocked on the door 18 harder this time and actually opened my -- I 19 had, like, a screen door. 20 Q. Uh-huh. 21 A. And was hitting on the wooden door, and then 22 it sounded as if he was, like, leaning up 23 against it saying I'm not -- I mean, he 24 was -- I could hear him saying, "Save me. 25 Save me." And Millie asked me at that</p>

45 (Pages 165 to 168)

<p style="text-align: right;">169</p> <p>1 point. "Is he saying save me?" I said.</p> <p>2 "Yeah, I think that's what he's saying."</p> <p>3 And then --</p> <p>4 Q. Were you concerned for his safety at this</p> <p>5 point in time?</p> <p>6 A. No. I was more concerned for ours. Went</p> <p>7 back to his car, called again, and said</p> <p>8 something -- I don't even know what he said</p> <p>9 at that point. I'm sure it's on the tape,</p> <p>10 which we could refer back to the tape.</p> <p>11 Q. Is this at the point in time where he said</p> <p>12 something like "Ignore me, you fucking</p> <p>13 bitch," or --</p> <p>14 A. He didn't say that on the telephone. He</p> <p>15 said that out in the yard. And he said</p> <p>16 this -- he came back to the door and was</p> <p>17 beating really hard on the door. I had a</p> <p>18 really old door, and I was actually afraid</p> <p>19 the door was going to come off because it</p> <p>20 was old. And he was beating on it really</p> <p>21 hard, and also, he was beating on the</p> <p>22 glass, too, after he had shut it. Then he</p> <p>23 went back to my car -- I had a carport by</p> <p>24 the front door and then a carport door. He</p> <p>25 went back there and was beating on it, and</p>	<p style="text-align: right;">171</p> <p>1 know, working at the prosecutor's office. I</p> <p>2 said, you know, "It's Monica. My boss</p> <p>3 Mike's outside beating on my door. I think</p> <p>4 he's drunk. He's mad. He's trying to get</p> <p>5 in. He's not leaving. He's been out here</p> <p>6 for quite some time. Could you drive by and</p> <p>7 see if you can get him to leave?" And he</p> <p>8 said, "You mean the prosecutor?" I said,</p> <p>9 "Yes. Could you please come by here?" And</p> <p>10 we got off, and he said he would when we got</p> <p>11 off the phone. And Mike had already walked</p> <p>12 back to his car and was sitting in his car</p> <p>13 whenever the officer drove by, and then</p> <p>14 right after he drove by, Mike backed out and</p> <p>15 left, and then had made another call wherein</p> <p>16 he was -- he had professed his love and -- I</p> <p>17 mean, you guys can refer back to the tape</p> <p>18 for that.</p> <p>19 Q. Right. Did you tell the police that he was</p> <p>20 heavily intoxicated and you didn't think he</p> <p>21 should be driving?</p> <p>22 A. I told them that I think he's been drinking.</p> <p>23 You know, he sounds drunk, and he's mad.</p> <p>24 Q. Okay. Did you see the police car come by?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">170</p> <p>1 he came back and was jiggling the handle to</p> <p>2 my front door. And then as he was walking</p> <p>3 off, or walking somewhere in the front yard,</p> <p>4 I could hear him say, "Ignore me, you</p> <p>5 fucking bitch," and that's when -- I mean,</p> <p>6 me and Millie were -- we were scared at that</p> <p>7 point. I -- we could tell he was very</p> <p>8 angry, very mad and was wanting in the</p> <p>9 house. Millie kept saying, "You need to</p> <p>10 call the police. You need to call the</p> <p>11 police," and so I finally -- I called the</p> <p>12 police and --</p> <p>13 Q. Did you dial 911?</p> <p>14 A. No. I called the Licking city police.</p> <p>15 Q. There is a 911 district that would operate,</p> <p>16 so a 911 call in your area would process?</p> <p>17 A. I believe at that time there was.</p> <p>18 Q. Okay.</p> <p>19 A. But I knew the Licking city police would be</p> <p>20 the ones to respond, so I called that</p> <p>21 number.</p> <p>22 Q. Okay. Who did you speak with?</p> <p>23 A. Officer Mike Hood.</p> <p>24 Q. Okay. What did you tell Mike Hood?</p> <p>25 A. I told him who I was. He knew me from, you</p>	<p style="text-align: right;">172</p> <p>1 Q. Was Mike still in the yard?</p> <p>2 A. He was in his vehicle in the carport.</p> <p>3 Q. Okay. So you --</p> <p>4 A. And he backed out after the police went by,</p> <p>5 and then I called Officer Hood back and</p> <p>6 said, "He just pulled out." You know,</p> <p>7 "Thank you. If he comes back, I will call</p> <p>8 you and" --</p> <p>9 Q. Did you provide a vehicle description to</p> <p>10 Officer Hood?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. I assume he probably -- I mean, that's</p> <p>14 assuming he knew what he drove.</p> <p>15 Q. You're assuming that he saw the car and Mike</p> <p>16 in the driveway?</p> <p>17 A. Oh, correct. I know he saw the car.</p> <p>18 Q. Okay. So just to understand, you told</p> <p>19 Officer Hood that Mr. Anderson was heavily</p> <p>20 intoxicated, belligerent --</p> <p>21 MR. STEELMAN: Excuse me. I don't</p> <p>22 think she used the "word heavily</p> <p>23 intoxicated." Are you trying to put words in</p> <p>24 her mouth or --</p> <p>25 MR. FRANKLIN: No.</p>

173

1 MR. STEELMAN: Okay.

2 BY MR. FRANKLIN:

3 Q. You thought Mr. Anderson was -- did you

4 think he was heavily intoxicated by the way

5 he was behaving?

6 A. I think he had been drinking and was most

7 likely drunk, yes.

8 Q. And you --

9 A. Just from the -- slurring his speech and --

10 Q. Sure. And he was engaging in what you

11 believed to be belligerent conduct, right?

12 A. Yes.

13 Q. Okay. And did you -- I'm going to go ahead

14 and strike that.

15 You came back into work the following

16 Monday?

17 A. I called in sick.

18 Q. Or, excuse me, the following Tuesday?

19 A. Correct.

20 Q. Okay. And at this point Mr. Anderson is

21 questioning you about the tape, and he wants

22 to get a copy of the tape back?

23 A. Correct.

24 Q. Okay. And the questions about the tape

25 themselves were not sexual in nature, were

174

1 they?

2 A. I felt them to be -- you know, where he --

3 professing his love and saying that he had

4 feelings about me that he didn't know he

5 had, to me, that was sexual in nature.

6 Q. I think we're mixing apples and oranges

7 here.

8 A. Okay.

9 Q. The questions that he was asking you -- when

10 he was asking you, "I want a copy of the

11 tape, I want a copy of the tape, I want a

12 copy of the tape," that was not sexual in

13 nature, was it?

14 A. Oh, no.

15 Q. Okay. And from the time that you came back

16 to work on or about December 12th through

17 your final date of employment, he wasn't

18 making sexual comments about your body --

19 A. No.

20 Q. -- or sexual behavior of any kind, was he?

21 A. No.

22 Q. Okay. And he wasn't touching you

23 inappropriately, was he?

24 A. No.

25 Q. Okay. And so at this point, what you are

175

1 describing as sexual harassment arises from

2 this incident on December 18th,

3 specifically; right?

4 A. With all the -- with everything else that

5 led up to that is when I finally felt afraid

6 and intimidated and -- to where I didn't

7 feel safe at that time.

8 Q. Right. The incident that occurred on

9 December 18th made you feel as if you were

10 not safe?

11 A. Correct.

12 Q. Okay. And as I understand it, on

13 Friday, December 23rd, Mr. Anderson

14 prevailed upon Judge Ellsworth to issue a

15 subpoena; is that correct?

16 A. Correct.

17 Q. And the subpoena required you to produce a

18 copy of the tape?

19 A. Correct.

20 Q. And are you familiar with the difference

21 between a search warrant and a subpoena?

22 A. I wasn't at the time. I thought it was a

23 search warrant.

24 Q. Okay. But did you prepare subpoenas in the

25 course of your work for Mr. Anderson?

176

1 A. Order to appear, yes.

2 Q. Okay. And did you produce orders to produce

3 documents for Mr. Anderson?

4 A. I believe I probably did, yes.

5 Q. Okay. And so this was consistent with the

6 type of document that you would prepare for

7 someone to appear in court or to produce

8 documents?

9 A. I believe it was the same type of form, but

10 I don't know if it was the exact same form.

11 Q. Okay. Do you recall reading the form?

12 A. Yes.

13 Q. Okay.

14 A. Judge Ellsworth handed me one, yes.

15 Q. So your understanding of the form, would it

16 be fair -- would it be fair to say that your

17 understanding of what the form meant was

18 limited to what was reflected on the face of

19 the form?

20 MR. STEELMAN: I object if -- she's

21 not qualified to give an opinion as to what

22 the subpoena meant, but

23 MR. FRANKLIN: No. I'm saying what

24 her understanding

25 MR. STEELMAN: -- she can go ahead.

<p>177</p> <p>1 I'm not instructing her not to answer. I'm 2 just saying I object to her not being 3 qualified to answer the legal question. I 4 thought you just asked. 5 BY MR. FRANKLIN: 6 Q. No. All I'm saying is, your understanding 7 of what the form meant was limited to what 8 you could read on the face of the form, 9 right? 10 A. Well, I actually asked the judge, "If I give 11 you a copy of this tape, will you not let 12 them come search my house?" And he said, 13 "Absolutely." 14 Q. Okay. So once you clarified what was going 15 on with Judge Ellsworth, you didn't have any 16 concern that anybody was going to start 17 rummaging through your house, right? 18 A. Right. 19 Q. Okay. And after you turned in that tape to 20 Judge Ellsworth, you resigned your 21 employment, correct? 22 A. Yes. I went downstairs, yes. 23 Q. Okay. Prior to resigning your employment, 24 had you ever complained to any of the 25 Texas County commissioners regarding</p>	<p>179</p> <p>1 Judge Ellsworth? 2 A. After the meeting, yes. 3 Q. With Judge Ellsworth? 4 A. Yes. 5 Q. Okay. So after this meeting you go down to 6 Don Troutman's office and say you're going 7 to resign. Did you tell him why you were 8 going to resign? 9 A. Yes, I did. 10 Q. What did you tell him? 11 A. I told him that Mr. Anderson had showed up 12 at my house in the middle of the night, that 13 I had came back that next week, he had 14 harassed me all week trying to get a copy of 15 that tape. He finally went to the judge and 16 got an order for me to produce this tape, 17 and I felt like it was just a total hostile 18 work environment, along with -- I felt like 19 that was sexually harassing me, coming to my 20 house, and I felt like he came there in 21 order to try to have sex with me, and that 22 he was mad because I wouldn't let him in. 23 Q. Did he tell you when he showed up at your 24 house on the 18th that he wanted to have sex 25 with you?</p>
<p>178</p> <p>1 Mike Anderson's behavior? 2 A. No, I did not. 3 Q. Prior to submitting your letter of 4 resignation, had you ever complained to the 5 county clerk, Don Troutman, about 6 Mike Anderson's behavior? 7 A. When I did submit my resignation prior to -- 8 Q. That's not the question. Prior to -- 9 MR. STEELMAN: No, no, let her 10 answer your question. 11 MR. FRANKLIN: Why don't we have 12 the reporter read back the question, and 13 we'll just start from scratch. 14 MR. STEELMAN: Okay. Then let her 15 answer. 16 (The requested portion of the 17 testimony was read back.) 18 A. The answer would be yes, because that day I 19 went down there and told him about what had 20 happened and that I was going to resign, and 21 then they told me I would have to write out 22 a letter of resignation in order to take 23 care of, like, benefits and stuff. 24 BY MR. FRANKLIN: 25 Q. This is after the hearing with</p>	<p>180</p> <p>1 A. No. He didn't say that specifically, no. 2 Q. Okay. That was your supposition, was that 3 he wanted to have sex with you? 4 A. (Witness shakes head.) 5 Q. All right. I'm handing you a document 6 that's been labeled Defendant's Exhibit 13. 7 Is this the letter of resignation that you 8 submitted? 9 A. Yes, I believe so. 10 Q. Okay. 11 A. Yes. 12 Q. And referring you to the one, two, three, 13 four -- beginning the fourth and going into 14 the fifth line of this letter, the hostile 15 working environment is what occurred on 16 December 18th, and then in the days leading 17 up to the 23rd when you resigned? 18 A. Yes. It was very hostile, yes, that whole 19 week. 20 Q. Okay. And the unethical conduct, what 21 unethical conduct were you referring to 22 there? 23 A. Him showing up at my house, leaving those 24 messages, and then the whole next week it 25 was a constant everyday harassment of trying</p>

48 (Pages 177 to 180)

<p style="text-align: right;">189</p> <p>1 Mr. Anderson?</p> <p>2 A: No. He put that he loved me, but then he</p> <p>3 went to explain that I'm not trying to hit</p> <p>4 on you or anything weird, so -- I mean, he</p> <p>5 put that in there.</p> <p>6 Q: You believe -- and you had no reason to</p> <p>7 question that, did you, at the time that you</p> <p>8 received this in January 2005; right?</p> <p>9 A: (Nods head.) Correct.</p> <p>10 Q: Okay. After the December 18th incident with</p> <p>11 Mr. Anderson, did you ever call him at home?</p> <p>12 A: December eight --</p> <p>13 Q: December 18th.</p> <p>14 A: No.</p> <p>15 Q: Did you ever call him on his cell phone?</p> <p>16 A: No.</p> <p>17 Q: Okay.</p> <p>18 A: I don't believe so.</p> <p>19 Q: Okay. Subsequent to your last day of work</p> <p>20 when you tendered your resignation, did you</p> <p>21 have any occasion to speak with</p> <p>22 Mr. Anderson?</p> <p>23 A: No. He had left me a message at one point</p> <p>24 about a case in Phelps County.</p> <p>25 Q: Okay. Do you remember about when that</p>	<p style="text-align: right;">191</p> <p>1 that Mike Anderson made to you that we</p> <p>2 haven't addressed so far today that you can</p> <p>3 recall?</p> <p>4 A: During that whole week of when I went back</p> <p>5 to try to get the tape?</p> <p>6 Q: Aside --</p> <p>7 A: Aside from that?</p> <p>8 Q: Well, the conversations about the tape were</p> <p>9 a request to have the tape, and he was</p> <p>10 repeatedly asking you to get the tape back;</p> <p>11 right?</p> <p>12 A: He was angry when he would ask me. Yes.</p> <p>13 Q: Okay. Were there any sexual comments by</p> <p>14 Mr. Anderson to you during the course of</p> <p>15 your time in the Texas County prosecutor's</p> <p>16 office that we have not yet discussed?</p> <p>17 A: Not that I can think of, no.</p> <p>18 Q: Okay. Is there any conduct that</p> <p>19 Mr. Anderson engaged in during the time that</p> <p>20 you were employed in the Texas County</p> <p>21 prosecutor's office that we have not yet</p> <p>22 discussed today that you found to be</p> <p>23 sexually harassing in nature?</p> <p>24 A: Not that I can think of, no.</p> <p>25 Q: Okay.</p>
<p style="text-align: right;">190</p> <p>1 occurred?</p> <p>2 A: In, I want to say -- no, I don't know. I'm</p> <p>3 going to say between March and June of next</p> <p>4 year. I'm not positive.</p> <p>5 Q: When you tendered your resignation letter to</p> <p>6 Mr. Troutman, did you advise Mr. Troutman</p> <p>7 that you wanted to give him an opportunity</p> <p>8 to fix this situation with Mike Anderson?</p> <p>9 A: No.</p> <p>10 Q: Did you have any intention to allow him or</p> <p>11 the county to fix that situation with</p> <p>12 Mike Anderson?</p> <p>13 A: I didn't believe the county would be able to</p> <p>14 fix it because of Mike -- he had a very</p> <p>15 powerful position in the county. He has the</p> <p>16 judge backing him, and I just didn't see the</p> <p>17 commissioners believing me over him, so, no.</p> <p>18 Q: Just to be clear -- simple question: You</p> <p>19 did not provide the opportunity for the</p> <p>20 county to remedy the situation; right?</p> <p>21 A: No.</p> <p>22 Q: And you didn't want to provide them that</p> <p>23 opportunity. You wanted out; right?</p> <p>24 A: I wanted away from him, yes.</p> <p>25 Q: Okay. Are there any harassing statements</p>	<p style="text-align: right;">192</p> <p>1 MR. STEELMAN: Off the record for a</p> <p>2 second.</p> <p>3 MR. FRANKLIN: Sure.</p> <p>4 (A discussion was held off the</p> <p>5 record.)</p> <p>6 BY MR. FRANKLIN:</p> <p>7 Q: Off the record you were encouraged --</p> <p>8 MR. STEELMAN: I object. I asked</p> <p>9 you, Mr. Franklin, wasn't there an e-mail</p> <p>10 that we had revealed to you before this?</p> <p>11 MR. FRANKLIN: Certainly. I don't</p> <p>12 want to misrepresent what you're saying, and</p> <p>13 I'm not trying to.</p> <p>14 BY MR. FRANKLIN:</p> <p>15 Q: So you said that there was an e-mail. I'm</p> <p>16 going to hand you a document that is going</p> <p>17 to be labeled Defendant's Exhibit 12. Okay.</p> <p>18 Previously you said that there were no</p> <p>19 statements and no physical conduct that you</p> <p>20 found harassing other than what we had</p> <p>21 discussed today?</p> <p>22 A: There was one more statement that I had</p> <p>23 forgot about.</p> <p>24 Q: What was that statement?</p> <p>25 A: We were in court one day, and he had wrote</p>

<p style="text-align: right;">201</p> <p>1 Marci Mosley and Millie Williams or -- I</p> <p>2 believe I showed it to them, or I told them</p> <p>3 what he wrote.</p> <p>4 Q. Do you recall what was going on in the</p> <p>5 courtroom when he handed this to you?</p> <p>6 A. I think they were in between calling up</p> <p>7 cases or something. It was one of the just</p> <p>8 regular court days.</p> <p>9 Q. Do you recall whether he was trying to --</p> <p>10 whether you were going to get witnesses for</p> <p>11 him or --</p> <p>12 A. No. I was sitting beside him, and we were</p> <p>13 waiting for the next one to be called, I</p> <p>14 believe.</p> <p>15 Q. Okay. So you thought this was just a crude</p> <p>16 joke that he made?</p> <p>17 A. (Witness nods head.)</p> <p>18 Q. Did you take personal offense to it?</p> <p>19 A. Well, I think I told him -- I was, like,</p> <p>20 "You're sick," or "Quit being disgusting,"</p> <p>21 something like that.</p> <p>22 Q. But you recognized it was a joke; right?</p> <p>23 A. He told me -- he said that he had saw it on</p> <p>24 TV and he thought it was funny, or he heard</p> <p>25 it from someone, thought it was funny, so --</p>	<p style="text-align: right;">203</p> <p>1 A. No, not at that time, no.</p> <p>2 Q. Okay. I'm going to hand you a document that</p> <p>3 has been labeled Defendant's Exhibit 11.</p> <p>4 Can you identify that document for me,</p> <p>5 please?</p> <p>6 A. Yes. This is a document that I -- a letter</p> <p>7 that I had sent to EEOC upon the request of</p> <p>8 my previous attorneys, Allen &amp; Rector, once</p> <p>9 Mr. Anderson had filed his complaint -- a</p> <p>10 lawsuit against myself and Ms. Williams.</p> <p>11 Q. Okay. And at the time that this lawsuit was</p> <p>12 filed against you and Ms. Williams, you were</p> <p>13 no longer an employee of Texas County,</p> <p>14 right?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Or the prosecutor's office, at least.</p> <p>17 And you had -- you had already made a</p> <p>18 complaint, right, to the EEOC?</p> <p>19 A. Correct. Yes.</p> <p>20 Q. And you had already, as you previously</p> <p>21 testified, made some reference to this</p> <p>22 conduct that you found to be harassing to</p> <p>23 Mr. Troutman when you -- before you provided</p> <p>24 your resignation letter, right?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">202</p> <p>1 Q. Okay. You didn't immediately take personal</p> <p>2 offense to it?</p> <p>3 A. I didn't like it.</p> <p>4 Q. Okay.</p> <p>5 A. I didn't think it was funny. I didn't</p> <p>6 laugh.</p> <p>7 Q. Okay. You said you took the document to</p> <p>8 someone else. Who did --</p> <p>9 A. I don't know if I actually took it and</p> <p>10 showed it to them. I may have, but I went</p> <p>11 into -- I got up and left the courtroom and</p> <p>12 went to the clerk's office, which was</p> <p>13 Marci Mosley and Millie Williams. I don't</p> <p>14 know if I just told them that he wrote this</p> <p>15 or if I showed it to them. I don't recall</p> <p>16 if I showed it to them or not.</p> <p>17 Q. Okay. Did you complain to anybody else</p> <p>18 about this particular incident?</p> <p>19 A. No.</p> <p>20 Q. Did you think it was necessary to complain</p> <p>21 to anybody else about that incident, or you</p> <p>22 pretty well handled it?</p> <p>23 A. I handled it.</p> <p>24 Q. You didn't think that there was any</p> <p>25 follow-up necessary?</p>	<p style="text-align: right;">204</p> <p>1 Q. And within the context of the employment</p> <p>2 relationship, there was no further action</p> <p>3 that Mike Anderson could take against you as</p> <p>4 of the date that he filed this lawsuit,</p> <p>5 right?</p> <p>6 MR. STEELMAN: Would you define</p> <p>7 what you mean by "action"? You specifically</p> <p>8 mean job action, don't you?</p> <p>9 MR. FRANKLIN: Right.</p> <p>10 BY MR. FRANKLIN:</p> <p>11 Q. I said within the context of the employment</p> <p>12 relationship. He couldn't take any job</p> <p>13 action against you at this point, could he?</p> <p>14 A. No.</p> <p>15 Q. And to your knowledge, has Mr. Anderson ever</p> <p>16 provided a negative reference for you?</p> <p>17 A. Not to my knowledge.</p> <p>18 Q. Okay. Has Mr. Anderson, aside from this</p> <p>19 lawsuit, ever told a prospective employer</p> <p>20 that you had slandered him or had raised a</p> <p>21 bunch of inappropriate -- or not -- let me</p> <p>22 strike that -- not inappropriate, but</p> <p>23 untruthful sexual allegations against him?</p> <p>24 A. Did he specifically tell them?</p> <p>25 Q. Yes.</p>

<p style="text-align: right;">225</p> <p>1 other than Chief McNew?</p> <p>2 A. Well, I gave it to Judge Ellsworth, of</p> <p>3 course. I didn't play it for anyone. And</p> <p>4 then Allen &amp; Rector listened to it with me,</p> <p>5 and then my attorneys.</p> <p>6 MR. STEELMAN: Your present</p> <p>7 attorneys?</p> <p>8 THE WITNESS: My present attorneys,</p> <p>9 yes.</p> <p>10 MR. STEELMAN: That's Steelman,</p> <p>11 Gaunt &amp; Horsefield.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. HARRIS:</p> <p>14 Q. Did you ever discuss the incident that</p> <p>15 occurred on December 18th, 2005, with anyone</p> <p>16 other than Michael Anderson,</p> <p>17 Millie Williams, Judge Ellsworth,</p> <p>18 Danny McNew, and your attorneys,</p> <p>19 Allen &amp; Rector, and Steelman &amp; Gaunt?</p> <p>20 A. The EEOC investigator, and then the</p> <p>21 Department of Justice investigator.</p> <p>22 Q. Anyone else?</p> <p>23 A. Just the -- my previous employers, when I</p> <p>24 would tell them I had an EEOC complaint</p> <p>25 filed.</p>	<p style="text-align: right;">227</p> <p>1 how I should handle it, and his reply was,</p> <p>2 "Well, just go back to work and try to</p> <p>3 pretend like it didn't happen, I guess."</p> <p>4 That was basically the end of the</p> <p>5 conversation, so, yes, I did discuss it with</p> <p>6 him, too. I didn't want to leave that out.</p> <p>7 MR. STEELMAN: Can we go off the</p> <p>8 record for just a quick second?</p> <p>9 MR. HARRIS: Yes.</p> <p>10 (A short break was taken.)</p> <p>11 BY MR. HARRIS:</p> <p>12 Q. Ms. Hutchison, we were talking about the</p> <p>13 tape recording of the phone messages</p> <p>14 Mr. Anderson left. And as I understand it,</p> <p>15 when you returned to the workplace on</p> <p>16 December the 20th, he requested to hear the</p> <p>17 tape or to actually have the tape?</p> <p>18 A. To have the tape.</p> <p>19 Q. Did he ask for the original or just a copy?</p> <p>20 A. Well, I explained to him that my answering</p> <p>21 machine was a digital machine and that there</p> <p>22 wasn't a tape at that time, but I made a</p> <p>23 tape from my digital machine, so he</p> <p>24 wanted -- he wanted -- whatever tape I had,</p> <p>25 he wanted it so it could be destroyed.</p>
<p style="text-align: right;">226</p> <p>1 Q. Do you know, did Millie ever discuss the</p> <p>2 December 18th incident with anyone?</p> <p>3 A. You'd have to ask Millie that. I don't</p> <p>4 know.</p> <p>5 Q. With regard to the actual incident regarding</p> <p>6 the production of the tape, as I understand</p> <p>7 it, the incident occurred in the early</p> <p>8 morning hours of December 18th, which was a</p> <p>9 Sunday, correct?</p> <p>10 A. Correct. Yes.</p> <p>11 Q. And then you didn't go to work on Monday,</p> <p>12 which would be December 19th, correct?</p> <p>13 A. Correct. Can I back up?</p> <p>14 Q. Sure.</p> <p>15 A. I forgot that I did -- on Sunday I did</p> <p>16 contact Brad Eidson.</p> <p>17 Q. All right. Sunday the 18th?</p> <p>18 A. Yes. That morning or afternoon, I'm not</p> <p>19 sure what time it was that I called him, and</p> <p>20 told him what had happened. I didn't want</p> <p>21 to -- I forgot that I had mentioned it to</p> <p>22 him, and I wanted to bring that out.</p> <p>23 Q. All right. You mentioned the incident to</p> <p>24 him?</p> <p>25 A. Correct. And asked him what he thought --</p>	<p style="text-align: right;">228</p> <p>1 Q. Did he tell you why he wanted to destroy it?</p> <p>2 A. Well, first -- he went from several</p> <p>3 different reasons. First was, I believe he</p> <p>4 felt like Dianne had the right to listen to</p> <p>5 it out of respect for her, and then he</p> <p>6 wanted -- he wanted it destroyed because he</p> <p>7 didn't want it to embarrass him, and then he</p> <p>8 wanted me to save it because he was making</p> <p>9 allegations about being drugged, and it just</p> <p>10 went back and forth.</p> <p>11 Q. And you never provided him with a copy</p> <p>12 voluntarily?</p> <p>13 A. No.</p> <p>14 Q. Why not?</p> <p>15 A. I felt that was the only thing that would</p> <p>16 keep me safe in anyone ever believing that</p> <p>17 he even said anything like that to me.</p> <p>18 Q. Well, you could have kept a copy, too,</p> <p>19 couldn't you?</p> <p>20 A. I could have, but I didn't feel like he had</p> <p>21 a right to have that.</p> <p>22 Q. So it was your belief he didn't have a right</p> <p>23 to have a copy of his own statements?</p> <p>24 A. No, I don't -- I mean, I was afraid that he</p> <p>25 would destroy it or -- I don't know. I</p>

60 (Pages 225 to 228)

## ALPHA REPORTING SERVICE

Phone: 417-887-4110

www.alphareportingservice.com

Fax: 417-889-4246

<p style="text-align: right;">229</p> <p>1 didn't think it was right for him to be 2 harassing me all week for a copy of that 3 tape. 4 Q. Had you let anyone else listen to it at this 5 point? 6 A. The people that I had expressed to you is 7 the ones that have listened -- Millie 8 listened to it. 9 Q. Did she listen to it again after the actual 10 incident? 11 MR. STEELMAN: During what period 12 of time are you asking? 13 BY MR. HARRIS: 14 Q. Well, what I'm asking is, obviously she was 15 present for the incident on December 18th in 16 the early morning hours; correct? 17 A. Correct. She was there -- she was there 18 whenever I recorded it onto a tape, so, 19 yeah, she heard it again. 20 Q. And when approximately was that that you 21 recorded it onto a tape? 22 A. I think it was either the following day or 23 that Monday. I think it was that following 24 day, that Sunday. 25 Q. Why was it you chose to record it onto a</p>	<p style="text-align: right;">231</p> <p>1 she wanted to let me know that Mr. Anderson 2 had went to the judge and that herself and 3 the sheriff was present at the first initial 4 meeting where he had declined to do it. 5 Q. All right. So you understood that there had 6 been one conference with the judge in which 7 Lieutenant Melissa Dunn, the sheriff, and 8 Judge Ellsworth were present, in addition to 9 Mike? 10 A. Correct. 11 Q. Then what did you do? 12 A. Nothing. I mean, she said the judge told 13 him no, and, I guess, the next day, or later 14 that day, I'm not sure what day it was, he 15 went back and talked to the judge, and the 16 judge called me up there. Mr. Anderson 17 stood outside the doorway while the judge 18 gave me the order. 19 Q. So the next day you were called to 20 Judge Ellsworth's office by Judge Ellsworth? 21 A. Correct. 22 Q. And he gave you a copy of the subpoena? 23 A. Yes. He told me that he really didn't want 24 to get involved in this, but Mike felt like 25 he had been drugged, so he was going to go</p>
<p style="text-align: right;">230</p> <p>1 tape? 2 A. Because I had a digital machine, and I knew 3 if my power went out or anything, it would 4 have been gone. 5 Q. What type of answering machine was it? 6 A. It was a -- I don't know. It was a little 7 white cheap digital machine, one of the 8 cheapest ones I could have probably bought. 9 Every time the electric went out or there 10 was a power surge, like, my message would be 11 gone, and the time would be off and all 12 that. 13 Q. Other than Millie being there when you 14 recorded it off on the tape, did anyone else 15 hear it in between the time of the incident 16 and when you went back to work on 17 Tuesday, December the 20th? 18 A. I don't believe so. 19 Q. How did you learn about Mike issuing the 20 subpoena? 21 A. Officer Melissa Dunn had contacted me and 22 told me that he was trying to get one. 23 Q. Do you know why she contacted you? 24 A. Or Lieutenant I believe she was. She 25 just -- I don't know. She called and said</p>	<p style="text-align: right;">232</p> <p>1 ahead and issue the order for him. 2 Q. And did he provide you a copy of the 3 subpoena? 4 A. Yes, which is what I relayed to my prior 5 attorneys, Allen &amp; Rector. I gave it to 6 them. 7 Q. So you were already represented by counsel 8 at this time? 9 A. No. I kept it then, but whenever I made the 10 appointment is when I handed it over to 11 them. 12 Q. If you look, I've got before you what I've 13 marked as Exhibit 17, and that's another 14 copy of the "Second Amended Complaint," but 15 it has all of the exhibits attached to it. 16 If you would, look at Exhibit C. Is that a 17 copy of what Judge Ellsworth provided to 18 you? 19 A. Yes, I believe so. 20 Q. And it states "Subpoena For Investigation, 21 Order to Appear/Produce Documents"; correct? 22 A. Correct. 23 Q. And at this time you had already received 24 your degree in criminology; correct? 25 A. Yes. I graduated, I believe, in May of '05.</p>

61 (Pages 229 to 232)

## ALPHA REPORTING SERVICE

Phone: 417-887-4110

www.alphareportingservice.com

Fax: 417-889-4246

237

1 a statement of Mike Anderson to  
2 Mike Anderson; correct?  
3 MR. STEELMAN: Objection, leading  
4 question and mischaracterizes the facts.  
5 Go ahead. You can answer.  
6 A. Actually, I thought it -- I didn't -- I  
7 mean, I guess it does -- it says -- it  
8 doesn't say to who to produce it to, does  
9 it? The requesting party is Mr. Anderson,  
10 but I don't see where it says who to produce  
11 it to.  
12 BY MR. HARRIS:  
13 Q. All right.  
14 A. I mean, other than the judge's signature.  
15 Q. And that's probably a fair point, because my  
16 question probably was incorrect.  
17 MR. STEELMAN: My objection was, it  
18 does not request. It is judicial process  
19 that orders her to turn over the tape.  
20 BY MR. HARRIS:  
21 Q. Let me clean it up. As you understood it,  
22 this subpoena, on December the 23rd of 2005,  
23 was ordering you to produce a copy of the  
24 statement of Mike Anderson to the court?  
25 A. Yes. I felt like I had to. The judge

238

1 signed it. I didn't have any other option.  
2 Q. And you didn't ask to consult with an  
3 attorney before you produced it?  
4 A. I thought the judge's order was the judge's  
5 order. I had to follow it.  
6 Q. And, in fact, what was actually produced was  
7 a copy of the tape which you'd given to  
8 Millie?  
9 A. Correct.  
10 Q. Nothing happened to your copy of the tape?  
11 A. Huh-uh.  
12 Q. No?  
13 A. No. I gave -- no.  
14 Q. Whatever happened to the original answering  
15 machine?  
16 A. I can't find it. I've looked and looked.  
17 I've moved so many times, and I've yet to be  
18 able to locate that.  
19 Q. So as I understand it, what's on the tapes  
20 that have been produced in this case is only  
21 what you have recorded off of the digital  
22 answering machine?  
23 A. Correct.  
24 Q. You weren't ordered to produce anything  
25 else?

239

1 A. No.  
2 Q. You were not forced to have your home  
3 searched?  
4 A. No.  
5 Q. Did Judge Ellsworth ever tell you what would  
6 happen if you didn't produce the tape? Did  
7 you ask him?  
8 A. No, I didn't ask him. He was the judge. I  
9 didn't question the judge.  
10 Q. Well, in your occupation, you've seen  
11 attorneys question judges all the time,  
12 haven't you?  
13 A. Yeah, but I'm not an attorney.  
14 Q. And you ultimately got the tape back from  
15 Judge Ellsworth, didn't you?  
16 A. No. I don't know what happened to the tape.  
17 Q. All right. And as you said, you went to  
18 Mr. Troutman's office and complained;  
19 correct?  
20 A. Correct.  
21 Q. So I would be correct that the -- prior to  
22 being summoned to Judge Ellsworth's office,  
23 had you made a decision as to whether or not  
24 you were going to continue in the employment  
25 of the prosecuting attorney's office?

240

1 A. Oh, I was looking for another job, of  
2 course.  
3 Q. But you hadn't decided to leave?  
4 A. I would have if I'd have found another job,  
5 but that kind of pushed me over the edge,  
6 yes, at that point. I didn't feel like I  
7 could be there any longer.  
8 Q. So it was the action of Judge Ellsworth  
9 ordering you to produce the tape pursuant to  
10 the request of Mike Anderson that caused you  
11 to resign your employment with the  
12 Texas County prosecuting attorney's office?  
13 A. That, and the whole week leading up to that,  
14 and then Mike's actions leading up to that.  
15 I was hoping I could just find another job,  
16 and then finally whenever -- I mean, it's  
17 the judge -- Mike was being able to do  
18 whatever, and -- I mean, he was -- had a  
19 very high authority, and the judge had even  
20 a higher authority, so, yeah, I didn't feel  
21 like I could be there anymore after the  
22 judge issued me that.  
23 Q. So you left on that day and never returned  
24 to the prosecuting attorney's office again?  
25 A. Correct.

<p style="text-align: right;">249</p> <p>1 appointment to take it to them.</p> <p>2 Q. Do you know anyone other than your attorneys</p> <p>3 who actually reviewed the damage complaint?</p> <p>4 A. Well, it was -- it was in every newspaper</p> <p>5 there was.</p> <p>6 Q. I understand that. But what I'm asking you</p> <p>7 is, do you know of anyone who actually went</p> <p>8 to the courthouse and reviewed it?</p> <p>9 A. No. Not that I'm aware of, no.</p> <p>10 Q. Are you aware of Mike Anderson distributing</p> <p>11 a copy of the complaint to anyone other than</p> <p>12 the clerk's office in Texas County?</p> <p>13 A. It was in every newspaper, and I believe he</p> <p>14 made comments to the newspaper regarding the</p> <p>15 complaint.</p> <p>16 Q. I understand that.</p> <p>17 A. I was informed that there was, like, blog</p> <p>18 entries made on different blog sites. There</p> <p>19 was one in particular.</p> <p>20 Q. Okay. Let's back up. But as far as my</p> <p>21 question's concerned, are you personally</p> <p>22 aware of Mike Anderson providing a copy of</p> <p>23 this complaint to anyone other than the</p> <p>24 clerk's office, and the sheriff's department</p> <p>25 for service?</p>	<p style="text-align: right;">251</p> <p>1 \$1,000 whenever he filed this against me in</p> <p>2 order for them to represent me.</p> <p>3 BY MR. HARRIS:</p> <p>4 Q. Okay. Let's clean this up. Prior to</p> <p>5 Mr. Anderson filing the lawsuit, which is</p> <p>6 depicted in Exhibit 17, you had entered into</p> <p>7 an attorney fee agreement with</p> <p>8 Allen &amp; Rector, and that was a contingent</p> <p>9 fee agreement, correct?</p> <p>10 A. Correct.</p> <p>11 Q. After the lawsuit was filed on Mr. Anderson</p> <p>12 and you took it to Allen &amp; Rector, they then</p> <p>13 requested that you pay them \$1,000 to handle</p> <p>14 the lawsuit that had been filed by</p> <p>15 Mr. Anderson, is that right?</p> <p>16 A. Correct. And under the understanding that</p> <p>17 there could be more fees involved, yes.</p> <p>18 MR. STEELMAN: Could we take a</p> <p>19 quick break?</p> <p>20 MR. HARRIS: Sure.</p> <p>21 (A short break was taken.)</p> <p>22 BY MR. HARRIS:</p> <p>23 Q. Ms. Hutchison, when you received the lawsuit</p> <p>24 and you took it to your attorney, you said</p> <p>25 you paid them \$1,000. Did you ever get any</p>
<p style="text-align: right;">250</p> <p>1 A. Not that I'm aware of personally, no.</p> <p>2 Q. And as you sit here today, do you know how</p> <p>3 it is that the media became aware that the</p> <p>4 lawsuit had been filed?</p> <p>5 A. No, other than statements he had made to the</p> <p>6 media regarding the lawsuit. No.</p> <p>7 Q. I understand that Mr. Anderson may or may</p> <p>8 not have made statements to the papers about</p> <p>9 the lawsuit --</p> <p>10 A. I don't know how they received it.</p> <p>11 Q. -- but as far as how the media became aware</p> <p>12 of the lawsuit, you don't know?</p> <p>13 A. No, I don't know.</p> <p>14 Q. Now, with regard to your attorneys,</p> <p>15 Allen &amp; Rector, had you had to pay them any</p> <p>16 money prior to this lawsuit being filed?</p> <p>17 A. No.</p> <p>18 Q. When this lawsuit was filed, did you pay</p> <p>19 them money?</p> <p>20 A. I entered into an attorney fee agreement</p> <p>21 with them prior to the lawsuit being filed.</p> <p>22 Q. All right. What was the --</p> <p>23 MR. STEELMAN: Listen to his</p> <p>24 question. He asked you when you paid them.</p> <p>25 A. When did I pay them? I had to pay them</p>	<p style="text-align: right;">252</p> <p>1 portion of that back?</p> <p>2 A. No.</p> <p>3 Q. Did they ever provide any kind of billing or</p> <p>4 accounting to you to document what they done</p> <p>5 with that thousand dollars?</p> <p>6 A. Just -- they gave me a receipt whenever I</p> <p>7 paid them.</p> <p>8 Q. Did they take any action on the case that</p> <p>9 you're aware of?</p> <p>10 A. Not that I'm aware of. I think maybe they</p> <p>11 took a few phone calls with Mr. Anderson's</p> <p>12 attorney, who I believe was</p> <p>13 Cynthia MacPherson. But I don't -- I mean,</p> <p>14 I don't know. They didn't tell me that.</p> <p>15 Q. Did they ever discuss with you an agreement</p> <p>16 whereby they reached an agreement with</p> <p>17 Ms. MacPherson that the lawsuit would be</p> <p>18 dismissed while the EEOC complaint was being</p> <p>19 handled or investigated?</p> <p>20 A. No. I believe they just told me that he had</p> <p>21 decided to dismiss it.</p> <p>22 Q. But they didn't provide you any kind of</p> <p>23 correspondence or anything that they've had</p> <p>24 with Ms. MacPherson about the terms of that</p> <p>25 dismissal?</p>

66 (Pages 249 to 252)

## ALPHA REPORTING SERVICE

Phone: 417-887-4110

www.alphareportingservice.com

Fax: 417-889-4246

<p style="text-align: right;">269</p> <p>1 BY MR. HARRIS:</p> <p>2 Q. Has anyone told you that they think less of</p> <p>3 you because of this allegation about a</p> <p>4 swinger-style sex ring being made by</p> <p>5 Mr. Anderson?</p> <p>6 A. There are actions that have told me, but not</p> <p>7 specifically told me.</p> <p>8 Q. No one's ever uttered those words, that</p> <p>9 they've thought less of you because of this</p> <p>10 allegation?</p> <p>11 A. Not directly to me.</p> <p>12 Q. All right. Has anyone told you that someone</p> <p>13 told them they thought less of you because</p> <p>14 of the allegations?</p> <p>15 A. Well, I just feel like when I -- with them,</p> <p>16 when I would go into the community -- I was</p> <p>17 having people throw trash in my yard of a</p> <p>18 sexual nature, beer bottles, whiskey</p> <p>19 bottles. When I'd go to the stores, people</p> <p>20 would look at me, and they'd be whispering.</p> <p>21 I never heard what they said. And it was</p> <p>22 just -- it was just embarrassing.</p> <p>23 MR. STEELMAN: Just -- 'cause she's</p> <p>24 left out -- 'cause I don't want to -- do you</p> <p>25 want to know everything they threw in her</p>	<p style="text-align: right;">271</p> <p>1 A. Yeah, I feel like it has because I've had to</p> <p>2 relive this every single time I interview</p> <p>3 for a job to let them know.</p> <p>4 BY MR. HARRIS:</p> <p>5 Q. And with regard to letting them know, that</p> <p>6 was a voluntarily choice on your part to</p> <p>7 inform them of what was going on?</p> <p>8 A. Correct, or they would probably hear it from</p> <p>9 somewhere else, because it's all over.</p> <p>10 Q. But no person in an interview has ever</p> <p>11 brought up the allegations in the lawsuit or</p> <p>12 the statements that have been made in the</p> <p>13 media?</p> <p>14 A. No.</p> <p>15 Q. And no prospective employer has refused to</p> <p>16 give you a job because of the allegations in</p> <p>17 the lawsuit or the statements in the paper?</p> <p>18 A. Not yet. I feel like I'm going to have to</p> <p>19 explain this, though, for quite some time.</p> <p>20 Q. With regard to the newspaper article</p> <p>21 regarding the lawsuit, do you recall</p> <p>22 anything within the article that was said by</p> <p>23 Mike Anderson that was untrue?</p> <p>24 A. I don't have the article in front of me.</p> <p>25 Q. Okay. But as you sit here today, do you</p>
<p style="text-align: right;">270</p> <p>1 yard after they filed the lawsuit?</p> <p>2 MR. HARRIS: We'll get into that in</p> <p>3 a minute.</p> <p>4 MR. STEELMAN: Okay.</p> <p>5 BY MR. HARRIS:</p> <p>6 Q. And I understand your thought that it was</p> <p>7 embarrassing to you. I clearly understand</p> <p>8 that. But what I'm trying to find out is if</p> <p>9 anyone has ever come up to you and said,</p> <p>10 "Monica, I think less of you because of what</p> <p>11 Mike Anderson alleged in his lawsuit?"</p> <p>12 A. No, no one's ever specifically come up and</p> <p>13 said to me that. No.</p> <p>14 Q. Has anyone ever come up to you and said,</p> <p>15 "Monica, I think less of you because of what</p> <p>16 I read about you in any of the newspaper</p> <p>17 accounts"?</p> <p>18 A. No, not specifically. No.</p> <p>19 Q. And as I understood your testimony earlier,</p> <p>20 to your knowledge, the allegations in the</p> <p>21 lawsuit have not, in any way, caused you any</p> <p>22 kind of harm with regard to your employment?</p> <p>23 MR. STEELMAN: Objection. That</p> <p>24 misstates her earlier testimony. Go ahead</p> <p>25 and answer.</p>	<p style="text-align: right;">272</p> <p>1 recall anything that he said in the paper</p> <p>2 that was untrue?</p> <p>3 A. Oh, I'm sure there were. I don't recall</p> <p>4 it -- I don't -- if I had it in front of me,</p> <p>5 I could go over it with you.</p> <p>6 Q. Let's do this. Let's look at Exhibit 17,</p> <p>7 Exhibit D.</p> <p>8 A. Okay.</p> <p>9 Q. I'll represent to you that that's a copy of</p> <p>10 the press release that was issued by</p> <p>11 Mike Anderson. And if you would, just take</p> <p>12 some time -- we can go off the record. I</p> <p>13 want you to take the time and review that if</p> <p>14 you would.</p> <p>15 (A short break off the record.)</p> <p>16 BY MR. HARRIS:</p> <p>17 Q. Ms. Hutchison, you've read the June 6, 2006,</p> <p>18 press release, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Reading -- well, let me back up and ask you</p> <p>21 this. Have you read that prior to today?</p> <p>22 A. I believe so, yes.</p> <p>23 MR. STEELMAN: Can I see it for</p> <p>24 just a second.</p> <p>25 BY MR. HARRIS:</p>

71 (Pages 269 to 272)

<p style="text-align: right;">273</p> <p>1 Q. In reading the press release, is there</p> <p>2 statements in there that you believe to be</p> <p>3 untrue?</p> <p>4 A. Yes.</p> <p>5 Q. Which statements do you believe to be</p> <p>6 untrue?</p> <p>7 A. Well, I believe that myself and Millie never</p> <p>8 got together to try to slander him in any</p> <p>9 way -- or we did not slander or</p> <p>10 maliciously -- however words it -- trying to</p> <p>11 ruin his reputation in the community. It</p> <p>12 says something about the -- my computer</p> <p>13 being investigated because they thought I</p> <p>14 was doing something wrong. It's -- it's</p> <p>15 all -- it's all ridiculous. It's just</p> <p>16 wrong. It's just wrong that something like</p> <p>17 that was published.</p> <p>18 Q. Well, you would agree with me you haven't</p> <p>19 seen -- has the press release been published</p> <p>20 anywhere?</p> <p>21 A. Yeah, I believe it was published.</p> <p>22 Q. Or were just excerpts of it published?</p> <p>23 A. I believe the whole thing was published, but</p> <p>24 I'm not 100 percent positive.</p> <p>25 Q. All right. Do you believe that this has</p>	<p style="text-align: right;">275</p> <p>1 stopped speaking to you?</p> <p>2 A. Well.</p> <p>3 Q. You've told us about Lorette Smith. Anyone</p> <p>4 else?</p> <p>5 A. Terry Haden doesn't speak to me anymore.</p> <p>6 Q. Anyone else?</p> <p>7 A. Basically I -- I just -- I don't have any</p> <p>8 communication with anyone in Texas County in</p> <p>9 fear of them asking me questions so --</p> <p>10 Q. Well, that was at the advice of your</p> <p>11 attorneys; correct?</p> <p>12 A. Correct. Yes.</p> <p>13 Q. That wasn't your choice -- or was it your</p> <p>14 choice?</p> <p>15 A. It was -- my attorney told me not to discuss</p> <p>16 the case at all, but every time I would talk</p> <p>17 to anyone, it would come up, so I got --</p> <p>18 I've gotten to where I don't even go to</p> <p>19 Texas County unless it's to briefly see my</p> <p>20 mom or pick her up and take her -- I know</p> <p>21 we're getting off subject. What was your</p> <p>22 question? I'm sorry.</p> <p>23 Q. Well, the people who told you -- or the</p> <p>24 people who quit speaking to you, you've told</p> <p>25 me about Lorette Smith, Terry Haden. Anyone</p>
<p style="text-align: right;">274</p> <p>1 harmed your reputation in any way?</p> <p>2 A. Yes, I believe the whole -- the whole</p> <p>3 complaint that he filed and -- yes, I do.</p> <p>4 Q. All right. With regard to the press</p> <p>5 release, has anyone told you that because of</p> <p>6 what's stated in the press release they have</p> <p>7 a lesser opinion of you?</p> <p>8 A. Not directly to me, no.</p> <p>9 Q. Are there people that have quit speaking to</p> <p>10 you because of what's contained in the</p> <p>11 complaint or the press release or the</p> <p>12 newspaper article?</p> <p>13 A. I feel like they have. I feel like -- I</p> <p>14 mean, I don't have any contact with hardly</p> <p>15 anybody down there anymore. I know that</p> <p>16 Lorette Smith -- I tried to call her a</p> <p>17 couple times, and she hadn't returned my</p> <p>18 calls. We used to be really good friends.</p> <p>19 I mean, if she believes this, then -- or if</p> <p>20 anyone believes something like that, why</p> <p>21 would they want to continue being my friend.</p> <p>22 I mean, yeah, I feel like it's really</p> <p>23 affected different -- and me and Millie's</p> <p>24 relationship has been strained over it.</p> <p>25 Q. All right. Who are the people who have</p>	<p style="text-align: right;">276</p> <p>1 else?</p> <p>2 A. Well, I'm sure all law enforcement wouldn't</p> <p>3 want to talk to me now since all the</p> <p>4 accusations was made. I don't have anybody</p> <p>5 specific other than them.</p> <p>6 Q. Other than those two?</p> <p>7 A. Uh-huh.</p> <p>8 Q. And I take it they have not told you why</p> <p>9 they quit communicating with you?</p> <p>10 A. No.</p> <p>11 Q. Has anyone else told you why they quit</p> <p>12 communicating with you?</p> <p>13 A. No, 'cause under the advice of my attorneys,</p> <p>14 I quit having contact with almost everyone.</p> <p>15 Q. Now, you spoke about the newspaper article</p> <p>16 being published nationwide. Upon what</p> <p>17 information do you have that it was</p> <p>18 published nationwide?</p> <p>19 A. Well, I saw it on, I believe it was, the</p> <p>20 Kansas City Star. It was on blogs. I read</p> <p>21 some of the Texas County blogs, but I quit</p> <p>22 doing that because it got so upsetting for</p> <p>23 me. I wouldn't even get on there and read</p> <p>24 it.</p> <p>25 Q. What Texas County blogs would you read?</p>

72 (Pages 273 to 276)

<p style="text-align: right;">277</p> <p>1 A. I don't remember what it was called. Millie 2 could probably give you more information on 3 that, 'cause she was the one that actually 4 told me about it, and then I got on there 5 and was reading them. It was so upsetting 6 to me of people making these derogatory 7 comments and believing this, so I quit 8 reading it, 'cause I couldn't deal with it. 9 Q. Did you also see derogatory comments about 10 Mike Anderson? 11 A. Yes, I did. 12 Q. So it'd be true that there have been 13 derogatory statements made about both of 14 you, you and Mike Anderson, on the internet? 15 A. From what I saw, yes. 16 Q. You don't have any reason to believe that 17 Mike feels any differently than you do about 18 the statements that were made about him? 19 A. I don't know how Mike feels. 20 Q. Do you know who made the statements? 21 A. No. 22 Q. Did you ever make any statements on the 23 internet? 24 A. No, never. 25 Q. Did Millie ever make any statements on the</p>	<p style="text-align: right;">279</p> <p>1 Q. What city? 2 A. Lincoln, I believe. 3 Q. And it's your understanding that she learned 4 about it because she gets the local 5 Texas County paper mailed to her? 6 A. Yeah, I believe so. Yes. 7 Q. Has any family member told you that they 8 have less respect for you because of it? 9 A. No. 10 Q. At the time the lawsuit was filed, were you 11 dating anyone? 12 A. At the time the lawsuit was filed? 13 Q. And when I say "the lawsuit," let me be more 14 clear. The lawsuit filed by Mr. Anderson. 15 A. I don't believe so. When was it filed? 16 I don't recall. 17 Q. May 31st, I believe, of 2006. 18 A. I don't believe I was dating anyone. I 19 didn't start dating my husband until later 20 that year. 21 Q. Did your husband know anything about it when 22 you started dating? 23 A. No. I mentioned it to him. I told him that 24 there was one, after we dated for a while 25 and starting getting close, just so he would</p>
<p style="text-align: right;">278</p> <p>1 internet? 2 A. Not that I'm aware of. 3 Q. Have any family members quit having any 4 contact with you because of these statements 5 that were made by Mr. Anderson and the press 6 release or the complaint or the statements 7 that were made in the newspaper articles? 8 A. Not really, not have contact with me, but 9 it's limited it. I even had an aunt call my 10 mother from Nebraska 'cause she had read it 11 somewhere. I don't know where. I mean, 12 that's how far it went out, and she was 13 asking about it. 14 Q. Which aunt was that? 15 A. Hene Mitchell. 16 Q. Can you spell that last name for the court 17 reporter? 18 A. M-I-T-C-H-E-L-L. I believe she gets a 19 Licking newspaper mailed to her 'cause she 20 used to reside down here years and years 21 ago. 22 Q. Is she still alive? 23 A. Yes. 24 Q. Where does she reside? 25 A. In Nebraska.</p>	<p style="text-align: right;">280</p> <p>1 be aware. I didn't want him to date me and 2 not -- then hear, because I figured 3 eventually he would, so -- I didn't want it 4 to be a shock to him and be like, "Why 5 didn't you tell me," if he heard from 6 someone else. 7 Q. But as far as when you first start 8 started dating, he'd not heard about it? 9 A. Not that I'm aware of. 10 Q. Was there any business interest that you had 11 that was affected detrimentally because of 12 the statements made in the lawsuit, the 13 press release, or the newspaper article? 14 A. Well, even now at Boys &amp; Girls Town, I don't 15 work with any kids that's placed there 16 through Texas County. 17 MR. STEBLMAN: That's to him, I've 18 got to find out where my partner is who's 19 going to take this over. 20 Are we off the record? 21 VIDEOGRAPHER: Sure. 22 (The court speaks off the record.) 23 BY MR. STEBLMAN: 24 Q. Ms. Hutchison, when we took our break, you 25 were saying -- I'd asked you about any</p>

<p style="text-align: right;">281</p> <p>1 business interests, and you said at</p> <p>2 Boys &amp; Girls Town you don't accept any</p> <p>3 children that come from Texas County.</p> <p>4 A. They don't let me work with the kids from</p> <p>5 Texas County just in case there's a conflict</p> <p>6 due to, like, juvenile officers, attorneys,</p> <p>7 anybody involved.</p> <p>8 Q. So that's not solely related to this</p> <p>9 litigation. It has to do with your previous</p> <p>10 service in the prosecuting attorney's</p> <p>11 office?</p> <p>12 A. No, to the litigation.</p> <p>13 Q. All right. So it's specifically limited to</p> <p>14 this litigation?</p> <p>15 A. Correct. And I'm -- I mean, in the</p> <p>16 future -- I'm sorry.</p> <p>17 Q. It's all right. Go ahead. You can --</p> <p>18 A. In the future I worry that it might -- I'm</p> <p>19 wanting to go out on my own to do therapy on</p> <p>20 my own. I'll be fully licensed in April,</p> <p>21 and I'm going to have to get referrals from</p> <p>22 different children's division counties,</p> <p>23 different -- you know, different places, and</p> <p>24 I'm afraid if they've heard about these</p> <p>25 allegations, that they may believe them to</p>	<p style="text-align: right;">283</p> <p>1 Q. -- Town, you haven't suffered any kind of</p> <p>2 decrease in pay or anything?</p> <p>3 A. No.</p> <p>4 Q. As far as organizations to which you belong,</p> <p>5 has your membership in any organization to</p> <p>6 which you belong been terminated because of</p> <p>7 the allegations made in Mr. Anderson's</p> <p>8 lawsuit or the statements made in his press</p> <p>9 release or statements made in the newspaper</p> <p>10 articles?</p> <p>11 A. No, sir.</p> <p>12 Q. As I understand your testimony -- I think</p> <p>13 you were asked this, but I can't recall.</p> <p>14 During the time that you were employed with</p> <p>15 the Texas County prosecutor's office, you</p> <p>16 never engaged in sex with multiple partners</p> <p>17 at the same time?</p> <p>18 A. No.</p> <p>19 Q. Did you, during the time that you were</p> <p>20 employed at the Texas County prosecutor's</p> <p>21 office, ever engage in sexual relations or</p> <p>22 sexual conduct with someone where another</p> <p>23 person observed it?</p> <p>24 A. No.</p> <p>25 Q. With regard to your employment at</p>
<p style="text-align: right;">282</p> <p>1 be true and take that into consideration in</p> <p>2 doing referrals for me. I mean, it's not</p> <p>3 happened right now, but</p> <p>4 Q. But no one's told you to date that they</p> <p>5 wouldn't refer people to you?</p> <p>6 A. No.</p> <p>7 Q. Correct?</p> <p>8 A. Not to date, no.</p> <p>9 Q. As I understand it, the issue with your</p> <p>10 current employment regarding people from</p> <p>11 Texas County is not limited to the lawsuit</p> <p>12 Mike Anderson filed against you, but it's</p> <p>13 limited to the laws -- or it has to do with</p> <p>14 the lawsuit that you've brought, correct?</p> <p>15 A. Pending litigations.</p> <p>16 Q. And you haven't suffered any kind of</p> <p>17 decrease in pay or job detriment because --</p> <p>18 A. Yes. Whenever I left him, I was making more</p> <p>19 money.</p> <p>20 Q. No, no. I understand that.</p> <p>21 A. Okay.</p> <p>22 Q. My question was, with regard to the fact</p> <p>23 that you can't treat or see kids from</p> <p>24 Texas County at Boys &amp; Girls --</p> <p>25 A. Oh, no.</p>	<p style="text-align: right;">284</p> <p>1 Texas County, was there ever an occasion</p> <p>2 while you were employed at Texas County that</p> <p>3 you ever did any type of favor, such as fix</p> <p>4 a ticket for a friend or anything like that?</p> <p>5 A. No. Even Millie had asked me at one time</p> <p>6 for her brother, what he needed to do to</p> <p>7 have a ticket reduced, and I even -- I mean,</p> <p>8 I even told her, as I did everyone else, you</p> <p>9 have to get a copy of your driving record,</p> <p>10 you have to appear in court and talk to</p> <p>11 Mike, you know, or get an attorney. Those</p> <p>12 were the only two options that he allowed,</p> <p>13 unless, of course, he spoke with someone</p> <p>14 directly on his own.</p> <p>15 (Mr. Gaunt joins the deposition in</p> <p>16 place of Mr. Steelman.)</p> <p>17 BY MR. HARRIS:</p> <p>18 Q. Other than the Kansas City Star, are you</p> <p>19 aware of any other papers that published the</p> <p>20 article, you personally?</p> <p>21 A. Houston Herald, the Licking news. There was</p> <p>22 one in Springfield. I don't recall the name</p> <p>23 of the</p> <p>24 Q. Springfield News-Leader?</p> <p>25 A. Could be. And I believe it went through the</p>

285

1 St. Louis Post-Dispatch. I mean, it was on  
 2 one of the news channels, too, but I don't  
 3 recall which one.  
 4 Q. Now, you mentioned your yard being  
 5 vandalized with sexually explicit trash?  
 6 A. Correct.  
 7 Q. What was the sexually explicit trash that  
 8 was placed in your yard?  
 9 A. It was, like, an empty vibrator box filled  
 10 with rocks and fish minnows.  
 11 Q. Did that just occur one time?  
 12 A. Yes, except for the constant beer bottles  
 13 and whiskey bottles. That was ongoing.  
 14 Q. That reminds me of something I forgot to  
 15 ask. At any time that you were employed at  
 16 the Texas County prosecutor's office, did  
 17 you ever bring any, what would you call  
 18 them, sexual devices or toys or things such  
 19 as vibrators, or anything like that into the  
 20 office?  
 21 A. No.  
 22 Q. As far as who placed this sexually explicit  
 23 trash in your yard, do you know who did  
 24 that?  
 25 A. No.

286

1 Q. Did you make a police report about it?  
 2 A. No. I informed my attorneys,  
 3 Allen & Rector.  
 4 Q. And you mentioned beer bottles and cans and  
 5 things like that. Would you find those in  
 6 your yard prior to this incident becoming  
 7 public?  
 8 A. No.  
 9 Q. Did you ever receive any kind of harassing  
 10 phone calls?  
 11 A. I received hang-ups. I received calls from  
 12 the press wanting to ask me questions. I  
 13 ended up getting my number changed, but I  
 14 don't recall when that was. There would be  
 15 phone calls in the middle of the night where  
 16 my phone would ring, and they would make a  
 17 statement -- make statements and hang up,  
 18 like, "You whore," or just breathe heavy and  
 19 then hang up. I mean, things like that. I  
 20 don't recall exact dates or anything though.  
 21 Q. How long did that occur?  
 22 A. Over a few months. I mean, I eventually got  
 23 my number changed.  
 24 Q. And how long was it after you left your  
 25 employment at Texas County that you moved to

287

1 Rolla?  
 2 A. It took me a while to sell my house. I  
 3 believe I moved in -- it was right around  
 4 the end of '06, December of '06, I believe.  
 5 Almost a year later.  
 6 Q. Once you moved to Rolla, did you have any  
 7 kind of harassment or anything like that?  
 8 A. No, nobody really knew where I lived other  
 9 than a select few people. There was one  
 10 time -- well, I don't know if that would be  
 11 considered harassment, but I did have an  
 12 officer come to my work while I worked at  
 13 the attorney's office saying that he had had  
 14 a report from an anonymous caller saying  
 15 that I had been driving erratically through  
 16 town. So he came to investigate that, but I  
 17 don't know who reported that.  
 18 Q. And I understand, and I appreciate the way  
 19 you've told us today all the ways that it's  
 20 affected you and embarrassed you, but I'm  
 21 going to ask just kind of a broad -- cap  
 22 question. As far as the lawsuit that Mike  
 23 filed against you, the press release and the  
 24 newspaper articles, anyone at all that you  
 25 can ever think of that has come up to you

288

1 and specifically told you that they think  
 2 less of you because of these incidents?  
 3 A. No, not specifically.  
 4 Q. Now, as I understand it from your pleadings  
 5 that have been filed by your attorneys,  
 6 you're claiming emotional distress as a  
 7 result of all this, correct?  
 8 A. Correct.  
 9 Q. When was it that the emotional -- well, let  
 10 me back up and ask a foundational question.  
 11 Did the emotional distress begin before you  
 12 left employment at Texas County?  
 13 A. Yes.  
 14 Q. Can you tell me a time frame when the  
 15 emotional distress began?  
 16 A. I think it -- it all kind of started to --  
 17 where it was really bothersome to me was the  
 18 lake incident. It started getting to where  
 19 I was very standoffish, and then him showing  
 20 up at my house was the real -- well, of  
 21 course, him firing me. Really no reason  
 22 that he would really explain, other than he  
 23 was hearing things that I was saying and  
 24 that I was supposedly gathering information  
 25 for a sexual harassment suit, then calling

<p style="text-align: right;">301</p> <p>1 MR. GAUNT: Let me object. Calls 2 for speculation. 3 BY MR. HARRIS: 4 Q. Well, let me rephrase my question. Probably 5 a good point. As I understand it, your 6 relationship with Corporal Kinder was 7 ongoing at the time you began working at the 8 prosecuting attorney's office; correct? 9 A. What do you mean ongoing? 10 Q. Well, you were already involved with him 11 when you began working at the prosecuting 12 attorney's office? 13 A. Yes. 14 Q. Did you make Mike aware of the fact that you 15 had a romantic relationship with 16 Corporal Kinder when you began working at 17 the prosecuting attorney's office? 18 A. No. 19 Q. With regard to Christina Wheeler, did she 20 initially apply for a job right after Mike 21 got elected? 22 A. No. Angie worked prior to Christina. 23 Q. Do you recall calling Christina Wheeler at 24 her employment and telling her that there 25 was a position open at the prosecutor's</p>	<p style="text-align: right;">303</p> <p>1 ever specifically proposition you to engage 2 in any type of sexual conduct or encounter 3 or anything of that nature? 4 A. Not specifically, no. 5 MR. HARRIS: I don't think I've got 6 any further. 7 Wait a minute. Let me ask one more 8 question. 9 BY MR. HARRIS: 10 Q. When you worked at the prosecutor's office, 11 would you make a practice of forwarding 12 e-mails that contained jokes of a sexual 13 nature to other people? 14 A. No, not that I recall. 15 Q. Okay. 16 MR. HARRIS: Nothing further. 17 EXAMINATION 18 BY MR. FRANKLIN: 19 Q. Ms. Hutchison, I appreciate your patience 20 today. I just have a couple of follow-up 21 questions and -- 22 A. Okay. 23 Q. -- we should be completed with your 24 deposition in an expeditious fashion. 25 During the time that you were employed</p>
<p style="text-align: right;">302</p> <p>1 office? 2 A. I don't recall, but I possibly could have if 3 I'd known -- if someone would have referred 4 her as an applicant. I don't even remember 5 where she worked at, to be honest with you, 6 prior to there. 7 Q. With regard to the party that occurred in 8 November of 2005 at Randy Jones' house that 9 was discussed earlier today, did you call 10 Mike and ask him to come to that party? 11 A. No, I don't -- no. 12 Q. And I want to -- I don't know if we've asked 13 this specifically or not, but I want to make 14 sure that it's covered. During the entire 15 time you worked for Mike at his private law 16 office and through the prosecuting 17 attorney's office, at no point in time did 18 he ever specifically proposition you to 19 engage in any type of sexual relationship 20 with you, did he? 21 A. Are you asking did he specifically say, 22 "Will you have sex with me?" 23 Q. Yeah. Let me -- at any point in time from 24 when you began working for Mike in 2001 up 25 through the time that you left, did Mike</p>	<p style="text-align: right;">304</p> <p>1 in the Texas County prosecutor's office, did 2 you discuss your use of sex toys with any of 3 your colleagues? 4 A. No. 5 Q. During the time that you were employed in 6 the Texas County prosecutor's office -- 7 A. Oh, wait. 8 Q. I'm sorry. 9 A. At my house, I mean, I believe that we 10 probably may have made comments to one 11 another about, "Yeah, we're single. We have 12 sex toys," but not while I was at the 13 prosecutor's office. 14 Q. Okay. 15 A. I wanted to correct that. 16 Q. So you did have discussions, and what I -- 17 there's a couple of questions here, and when 18 I'm talking about the time that you're in 19 the prosecutor's office, that includes both 20 the physical confines and when you're with 21 individuals who are employed in the 22 physical -- who are employed in the 23 prosecutor's office? 24 A. I'm sure that one of -- either Christie or 25 both was at the party, so I'm sure.</p>

79 (Pages 301 to 304)

## ALPHA REPORTING SERVICE

Phone: 417-887-4110

www.alphareportingservice.com

Fax: 417-889-4246